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Repairs to the Jedarpalayam bed regulator.

SRI R. KUPPUSWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Jedarpalayam bed regulator was completed in the Salem district;

(b) the cost of the scheme;

(c) whether any major repairs were carried out to it recently;

(d) if so, the cost of the repairs; and

(e) whether the defects noticed were due to the defects in design or execution?

THE HON. THE RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“(a) In 1949.

“(b) Rs. 7,08,600.

“(c) Yes.

“(d) About Rs. 1,06,181-7-0

“(e) No.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO. 12 OF 1953)—DISCUSSION—*cont.*

* SRI A. APPU :—“ Mr. Speaker, Sir, I was a member of the Joint Select Committee. I have appended a minute of dissent to the report of that Committee and my object is to make the Members of the House know something about the history of the tenancy problem in the Malabar district. No doubt, the Bill as it has emerged from the Select Committee is a good one. But it will not solve the problem. I am not an expert. But I have consulted persons of experience and high position in Government service such as Judges and so on. Their view is that unless the tenants are given permanent fixity of tenure and the janmis assured of fair rent, the problem cannot be solved at all. There is still agitation going on in Malabar. I have traced the history of tenancy agitation in Malabar from 1881 onwards in my dissenting minute. But it has a still older history. I had an opportunity of going through Government publications dating from 1749 onwards. There was agitation in those times also, and there were a number of cases of murder and arson. In the taluks of Wynaad and Waluvanad, Muslims form a majority of the population. As a result of persecution by janmis, there were Moplah risings on several occasions. On these occasions, several janmis were killed. In 1921 there was a Moplah rebellion in which several janmis were beheaded. I know of certain instances in which big janmis were taken to the river sides and their heads were cut off. Such unhappy incidents were common till 1921. Fortunately, there has

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been no such incidents after that year. I submit that unless the tenants are given fixity of tenure, the problem can never be solved. I am prepared to pay any fair rent to the janmi.

“ My hon. Friend Sri Sankara Varma Raja said that he belongs to a very rich janmi family, that he is paying an assessment of about Rs. 15,000 and that his annual income is only Rs. 5,000. I know that he belongs to a very respectable and good janmi family, and his rent is nominal in some cases. But I submit that he is not paying the assessment; the assessment is paid by the tenants under a contract between the janmi and the tenant.

“ I was surprised to read the dissenting minute of Mr. Gopala Menon. He does not want ulkudidars to be given any rights at all. Ulkudidars have been suffering a lot for a very long time; they are practically slaves. Mr. Gopala Menon comes from an area where there are a very large number of ulkudidars. He himself is a big landlord, he has inherited lands from his own family and from his wife's side. I understand that there are more than two hundred ulkudidars in his estate. I do not say he is a bad landlord. He does not give any trouble to his ulkudidars. But I know that he is worried by other landlords in the district to see that ulkudidars are not given any right at all. Unless they are given fixity of tenure, there will be a good lot of trouble. I submit that they should be given fixity of tenure in respect of their ulkudis just as the tenants are given fixity of tenure in respect of their holdings.

“ Mr. Seethi Sahib and Mr. Narayana Kurup gave a very good account of the actual conditions in Malabar. I entirely agree with them and I do not want to repeat what they said and waste the time of the House.

“ Provision has been made in the Bill to enable landlords to evict their tenants in certain cases. I submit that this will give further trouble. There are more than seven thousand eviction suits pending before the courts now. Whether the eviction is *bona fide* or *mala fide*, janmis will resort to filing suits in courts. If a janmi files a suit, the tenants will not be able to defend themselves. All of us know that the expenses in a civil court are very high. Tenants as a class are very poor and they cannot defend themselves. If they defend themselves, they will get ruined. I submit that sections 14 and 20 of the Act should be repealed. Otherwise there will be no safety for the tenants at all.

(At this stage, Deputy Speaker occupied the Chair.)

“ Under the old Act, a janmi could evict his tenant for *bona fide* purposes. There was a case in the High Court in which the Judge held that *bona fide* purposes included sending of children to England and other places. It was to avoid such interpretation that the provision was modified. In this Bill, it is provided that a tenant could be evicted if eviction becomes necessary for meeting

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the primary needs of the landlord. It is a good thing. That suggestion came from the Hon. Chief Minister and I am very thankful to him for the lively interest he has taken in the matter. If he had not taken a lively interest in our affairs, I am sure the Bill could not have been as satisfactory as it is now. I read a leader written by *The Mail* yesterday in which the scope of the term 'primary needs' had been discussed. I submit that an explanation should be added so that the term 'primary needs' may include only absolute needs for maintenance and clothing and not anything else. However, I shall leave it to the Hon. the Chief Minister to decide what explanation should be given to the term 'primary needs'.

"I know an instance in Kurumbranad taluk in which a tenant was given on lease about 150 acres of waste lands. His forefathers improved those lands and planted the entire area with coconut trees. It is a very good garden and now there is a case pending for eviction of this tenant from the garden. What the janmi has done is this. He transferred the janman right to his daughter for a nominal amount and this daughter has filed a suit for eviction of the tenant. Such cases are common in the district. It was to avoid such cases that the hon. Member Sri Seethi suggested that alienees should not be given an opportunity to evict the tenants in such circumstances. So, I submit that there should be a special provision in the Bill that alienees should not be allowed to evict the tenants in such circumstances.

"I have nothing more to add and I shall make my remarks about other matters when the Bill is taken up for discussion clause by clause. Thank you, Sir."

SRI N. GOPALA MENON :—"On a point of personal explanation, Sir. My hon. Friend Sri Appu unnecessarily dragged my name in his speech and said that I was against ulkudidars being given any fixity of tenure and all that. Those who were present here and listened to my speech yesterday would have noted that I did not utter a single word about ulkudidars. But in my dissenting note to the Report of the Joint Select Committee, I have said that ulkudidars are given higher rights than even tenants. It is regrettable that my hon. Friend should have said that I am against ulkudidars and so on, which is not at all warranted either by the speech that I delivered yesterday or by my dissenting note."

* SRI A. APPU :—"In his speech the hon. Member said that our forefathers might have given our lands to the tenants. It is well known that we should not be allowed to evict them."

DEPUTY SPEAKER :—"The hon. Member Sri V. R. Krishna Ayyar will now speak."

(Sri V. R. Krishna Ayyar was sitting on the front Opposition Bench.)

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* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I do not mind hon. Members sitting anywhere they like when they do not participate in the debate. But the convention should be that hon. Members, when they deliver speeches at least, should remain in their seats. That is a convention which is being followed in all Houses.”

* SRI V. R. KRISHNA AYYAR :—“ Mr. Deputy Speaker, Sir, on this question of Malabar tenancy, hon. Members coming from Malabar have expressed considerable dissent as reflected in the Report of the Joint Select Committee and in the speeches delivered up till now. I am sure that this will be given serious consideration by hon. Members who do not come from Malabar and who, therefore, perhaps may not be posted with the details of local conditions in Malabar so much as hon. Members coming from that area. I am sure that hon. Members from other districts will bestow sufficient attention on this matter and post themselves with the actual conditions so that they may be in a real position to judge the relative merits of the contentions put forward here by the Government on the one side and by hon. Members sitting in the Opposition and also sitting on the Congress Benches in part. One might have been noticing with perhaps a little surprise that the last speaker, Sri Appu, a Member sitting on the Congress side, had been putting forward a case which, if one would seriously consider, would show the intrinsic merit of the contentions put forward. (Interruption.) (The Hon. Sri C. Rajagopalachari : ‘ He is just sitting on the Congress side.’) The Congress side being associated with the landlords’ side and the landlords’ side being championed efficiently by the Government, of course, Sri Appu is just sitting on the Congress side, because that is the only way one can annotate the statement of the Hon. the Chief Minister. But in fact, it is clear and absolutely certain that, whether one is returned as a Member on the Congress ticket or on the Muslim League ticket, the Hon. the Chief Minister has considerable regard for the Deputy Leader and the Leader of the Muslim League Party. They are not revolutionaries; they are not likely to be carried away by mere sentiment; they are not likely to be influenced and they will not succumb to the vote-catching devices which are the lower methods of mere democrats and not of those who are here without the aid of elections. Now, the Muslim League, a very sober party and representing also landlords and tenants in the country, some of the Congress Members—Sri Appu is one of the Members returned from Malabar on the Congress ticket—, the Praja-Socialist Party, represented by its leaders, some of whom have already expressed their views on the floor of the House, Independent Members, Members of the Communist Party and others have all voiced their opposition to the measure or the amendments brought in here. So, this question calls for serious consideration. That is my point. Hon. Members from other districts will certainly not assume that the Government must have considered all aspects at the Joint Select Committee stage, that there must have been some discussion, that therefore whatever is recommended by the Government

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or whatever Bill has been brought up, with such amendments as they have chosen to accept, should be to the benefit of all the interests concerned and must be a kind of justice, and that it may be readily accepted. That kind of complacent attitude may not be adopted. Here, it is a case where grave suspicions or doubts are attached to the attitude taken up by the Government. Now, the opposition to this measure is coming not merely from all the political parties in Malabar but also from the Congress Party itself in particular. Therefore, I call upon hon. Members to bestow serious reflection on this issue and come to a decision. Of course, the Members coming from Malabar are few comparatively and, therefore, they may not be able to influence the majority decision here. But they can speak out their minds and impress their views on others so much so that other hon. Members can accept their verdict on the merits of the contentions put forward. There is one very important thing that must be remembered in this connection. It is the tendency to underrate every argument on the ground of vote-catching or just trying to gather support from the people. That is, if I may say so, a fling at democracy altogether. It may be that vote-catching is the motive that is imputed. But the real position is that people do not throw away their votes but that they vote only for those who champion their interests. This Bill is for the commonality and is decided upon by the majority votes here. The majority votes here depend, in some measure, upon the minority having confidence in the majority and their right action. Therefore, it is quite clear that we must consider the view of the minority. The majority may be there. But the vested interests should not find special favour with the Government. We must consider what exactly makes for the common weal or the welfare of the common lot or the ordinary people. If that be the outlook, there can hardly be any doubt that more and more ameliorative provisions must be introduced in the Malabar Tenancy Act.

"One fundamental difference—it is not exactly fundamental but one major difference—between the system of tenure in Malabar and that prevalent elsewhere in the Madras State is this. So far as Malabar is concerned, absentee landlordism is the rule. The landlord, whether he lives close by or far away, has absolutely no interest in the land at all. All that he does is to collect the rent. He is not interested in better farming, better manuring and better irrigational facilities being provided there. It is all entirely the concern of the ryot. The improvements made therein, in the majority of cases, will be by the tenant. The cultivation, manner of cultivation, things cultivated, the kind of improvements made and all those things will practically be the responsibility of the tenant and the landlord is there only to collect the rent. He is only concerned with his unearned income, viz., the rents that he collects from the tenants. Absentee landlordism in Malabar is something different from what hon. Members from other parts of the State imagine. They are not a humble lot just putting up with all kinds of legislation passed in the Legislature. It is not

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a question of taking away or depleting their rights. They are as tenacious of their rights as any other landlord in other parts of the State. However, it is a fact that they are not doing anything towards production. They do not contribute anything towards the productive factor. That is a reality which cannot be denied and which everyone will have to accept. They are mainly landlords, having inherited or got at property and are called janmis. This system of ancient janmis is not prevalent anywhere else except in Malabar. As I said, they do not take any interest in the cultivation of the land, but only collect the rent. That is why we see in Malabar these landlords filing suits for 50 years' arrears. I do not think that anybody in Tamilnad would have come across cases where the landlords claim 50 years' arrears. But in Malabar these landlords do file suits for collection of 50 years' arrears—and even 100 years' may not be unknown—and also evict the tenants when they find it difficult to pay the 50 years' arrears. Irrespective of the fact that the tenants might have spent quite a large amount in improving the land in the course of many years, they are sought to be driven away from the land when they find it impossible to pay the 50 years' arrears to the landlords. This is one of the reasons why hon. Members coming from Malabar seek to impress upon the hon. Members of the Legislature that it is really the tenant who is vitally interested in production, who is cultivating the land and who is making improvements to the land. He is the person who has cast his lot with the land and who has bound himself to the land. That is why we plead so much for certain rights being conferred on him. Certain plenary rights to the land have got to be conferred on these tenants who are the actual tillers of the soil and who are called upon to pay enormous rents to the landlords who have no interest in the land and who do nothing in the process of production, but merely extract rent, huge rents from the poor, toiling tenants.

" Sir, coming to the actual amendments that have been brought up here, there are quite a few controversial matters and I wish to dwell upon one or two of them. The various Opposition Members including, I suppose, the Congress Member I have adverted to, have been asking for one provision which has been tenaciously resisted by the Government. It is this. Suppose the landlord and tenant enter into an agreement with regard to the rent that the tenant has to pay. The present provision in the Bill that has been brought before the House with reference to fair rent will work in such a manner that in many cases, particularly in the case of garden lands, the rent will be multiplied by 2, 3, 5 and even 10 times. Where a person may have been paying Rs. 5, he will have to pay Rs. 50 in some cases according to the fair rent provision. There has not been any agitation on the part of the landlords that their rents should be increased. The Government must come to the help of the weaker sections in such cases. The principle of the many relief measures and social reform measures, such as the Factories Act, is to help the weaker sections. Here in this case, the weaker party is the tenant. So he should

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be helped as against the landlord. He has to get relief from the Government as against the landlord. Where the fair rent goes higher, on account of the operation of the fair rent provision, than the contract rent, the tenant should be allowed to pay only the contract rent and the landlord should not be allowed to collect the higher rent, viz., the fair rent according to the provisions of the present Bill. That is why we have given notice of amendments in regard to this provision to the effect that it should be provided that the landlord should collect contract rent or fair rent whichever is less. All the political parties in Malabar have been agitating for this provision. All kisan organizations have also been saying that there is necessity for adopting such a provision. I do not know why the Government could not agree to such a provision. Furthermore, the background is quite clear. There has never been an agitation by the landlords for increasing the rent. They were content with the contract rent all the time and there is no real point in having a provision in the Bill which will make them collect increased rent from the tenants. Under these circumstances, I humbly commend to the House the acceptance of the amendment that we have given notice of, in regard to this matter, so that the poor tenants may be enabled to pay either the contract rent or the fair rent, whichever is less.

"I now come to another thorny question, viz., eviction of tenants. It is not possible to have a simple rule or a clear provision to the effect that there will be no eviction at all. I agree that it may not be possible. The pattern of holdings is somewhat complicated. Generally speaking, an average tenant who has a minimum holding must not be disturbed from his holding. It has been suggested that 5 acres would be a fairly optimum size of holding beyond which alone a tenant could be disturbed by way of eviction. Even in respect of the tenants who own lands in excess of 5 acres, we have got to recognise one fact. There are tenants who have large extents of land and they too may have large cultivation. Such people need not be masquerading as tenants and pleading disabilities. There is also a large section of petty landholders. On account of the division of families, a number of small landholders have come up. They may have only a few acres and may have hardly anything to fall back upon. Provision may have to be made for such poor landholders also, so that there may be a sensible scheme for eviction. Poor tenants with very small holdings should be protected from eviction. But in the case of big tenants owning enormous extents of land, the petty landlords may be allowed to evict them in certain circumstances and with certain limitations. If some such provisions and safeguards are made, there may be a general contentment in respect of eviction clauses."

THE HON. SRI C. RAJAGOPALACHARI :—"I have been listening to the constructive suggestion made by the hon. Member. But, could we make a discrimination like that? I would like the hon. Member to throw some light on this point."

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* SRI V. R. KRISHNA AYYAR :—“ If the Hon. Chief Minister has in mind the Constitution and the articles relating to discrimination mentioned in it, in my humble view there is nothing illegal and there is nothing offending the Constitution. Equality before law always permits classification. The law certainly permits classification in certain matters. Petty landholders who have really nothing to fall back upon and own only a small acreage of land can be classified as one group and the small tenants who cultivate only a small acreage of land can be classified as another group. There is no discrimination in classifying those tenants owning 5 acres and less as one class and classifying those tenants who have 50 or 100 acres as a different class. This will not offend the Constitution. Reasonable classification is permissible and it is not discrimination. Therefore I suggest that some such remedy may be evolved and suitable amendments may be incorporated to this clause dealing with evictions. Generally speaking, eviction as a rule must be tightened up and should not be permitted. However, necessary safeguards for small and petty landholders and small tenants have got to be provided in the manner suggested by me just now.

“ Regarding ulkudis, hon. Member, Sri Appu, has dealt with this subject at great length. He also dealt with the speech made by my hon. Friend, Mr. Gopala Menon. I do not think there is much more to be said about Sri Gopala Menon's point in the light of the exposure made this morning.

“ There has been considerable dispute regarding fair rents from wet lands. The Hon. Leader of the Opposition, while dealing with this subject observed that one of the important considerations that might arise will be the question as to what should be the cultivation expenses. If I can claim to possess some integrity, I can give particulars regarding the actual position in North Malabar. The cultivation expense which is provided as 22 paras is not at all adequate. It is not an exaggeration if I say that actually it will be anything between 30 and 40 paras. One might wonder at this. But it is the real fact. The fact remains that the wet lands in North Malabar are not fertile and are very poor in quality and they require considerable improvement at great expenditure. Moreover, the wages are also high in North Malabar. The same cannot be said of South Malabar where conditions differ. So far as North Malabar is concerned, anything between 30 and 40 paras by way of cultivation expenses must be provided, as 22 paras now provided is hardly adequate. This should not be extended to the whole of the Malabar district in view of the fact that conditions obtaining in North Malabar district are quite different from those obtaining in the other part of the district.

“ Regarding fair rent in respect of garden lands, I suggest that there should be a reduction. In respect of arecanut gardens under the existing Malabar Tenancy Act, the fair rent is one-eighth of the produce whereas in respect of coconut gardens it is one-sixth. I suggest that this anomaly be removed. If a tenant

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who grows arecanut trees in large numbers need pay only one-eighth, I see no reason why he should pay one-sixth when he grows coconut trees whose cultivation is also an equally difficult process, perhaps a more expensive one also. So, I would request the Government to reduce the fair rent on coconut garden lands to the level of arecanut garden lands.

"In respect of pepper gardens, the present provision is that one-fifth of the produce constitutes fair rent in respect of dry or waste lands. The Hon. the Law Minister is trying to reduce it to one-sixth in his amending Bill before the House. What he forgets is this. In respect of garden lands, the landlord has given the land to the tenant as garden land and not waste land because the land is much better. The provision of fair rent is one-eighth of the pepper produce in respect of garden lands. When that is so, why is it fixed as one-sixth in respect of dry or waste lands? I am sure, the Hon. the Law Minister cannot defend himself against this argument. Where there are garden lands, which are a better type of lands, the fair rent is only one-eighth. Then why in respect of waste lands—jungle lands—whose cultivation involves arduous labour, the present provision is one-fifth which is sought to be reduced to one-sixth? I want this to be reduced to one-eighth of the produce.

"So, Sir, on these three points—fair rent, eviction and generally ulkudis—I want a progressive policy to be followed. I want also a progressive attitude on the part of hon. Members irrespective of party affiliations because this is a matter where there is no politics involved. I suggest that the artificial notions of justice be given up. We want that justice should be viewed as a social concept. After all, what was just yesterday is not just today. What was just a century ago is not just now. So, justice is a relative notion. A progressive notion of justice social conditions of the people. A progressive notion of justice would be better than an abstract notion thereof. Abstract legal rights may have had a particular meaning in the past but to-day society is not willing to concede it. I hope, hon. Members will adopt such a progressive attitude and will be perfectly free to vote for the amendments which the Opposition Members will move. I hope the Government also will revise their notions of justice and see that they accept our amendments."

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*SRI C. H. KANARAN:—"ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, ഈ ബില്ലിൽ അഞ്ചു ചന്തയ്ക്കു വന്നപ്പോൾ തന്നെ ഈ ബില്ലിനെ സംബന്ധിച്ച് എട്ടു നിലയാണ് കൈക്കൊള്ളേണ്ടതെന്നു ആങ്ങൾ വളരെ അധികം ആലോചിച്ചിട്ടുണ്ട്. 1934 മുതലുള്ള മലബാറിലെ കൃഷിക്കാർ അവർക്കു അനുഭവമായിട്ടുള്ള ഒരു നിയമനിർമ്മാണത്തിന്നു വേണ്ടി പോരാടാൻ തുടങ്ങിയിട്ടുണ്ട്. വളരെക്കാലമായി ഈ നിയമത്തെപ്പറ്റി ഗവണ്മെന്റ് ആലോചനയും അന്വേഷണവും നടത്തിവരുന്നു. ഇതിനിടയിൽ ചില നിയമങ്ങളാക്കിയിട്ടുണ്ട്. ചിലതൊക്കെ നടപ്പിൽ വരുത്തിയിട്ടുണ്ടെന്നല്ലാതെ കാര്യമായി യാതൊരു നിയമവും ഇതുവരെ വന്നിട്ടില്ല. കടുവിൽവന്ന മധ്യവർഗ്ഗക്കാരുടെ ബിൽ പോലും കൃഷിക്കാർക്കു സ്വീകാര്യമായിരുന്നില്ല. ഈ അവസരത്തിലും, കൃഷിക്കാർക്കു അനുഭവമായിട്ടുള്ള ഒരു നിയമം സാധ്യമാണോ, അതെങ്ങനെ സാധിക്കാം എന്നിങ്ങനെയുള്ള കാര്യങ്ങളെ സംബന്ധിച്ച് ആക്ഷിപരമായ നടപടികളെടുക്കേണ്ടത് ആവശ്യമാണെന്നു കരുതുന്നു."

7th January 1954] [Sri C. H. Kanaran]

നികുതമാണ് എങ്ങനെ പ്രവർത്തിച്ചത്. സെലക്ട് കമ്മിറ്റിയിൽനിന്നും കൃഷിക്കാർക്കു അനുക്രമമായ നിയമം കൊണ്ടുവരുന്ന സാധ്യതയുണ്ടോ എന്നായിരുന്നു എങ്ങനെയെങ്കിലും നോട്ടം. പക്ഷെ അതു സാധ്യമല്ല എന്നു പറയേണ്ടിയിരിക്കുന്നു. ഭൂമി കൃഷിക്കാരനു തന്നെ കിട്ടേണ്ടതാണെന്നു എങ്ങനെയെങ്കിലും അതെല്ലാം ഉടനെ നടപ്പിൽ വരുത്തണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയല്ല എങ്ങനെ ഈ ബില്ലിനെ നോക്കുന്നത്. കൃഷിക്കാർക്കു കറച്ചെങ്കിലും അനുക്രമം കിട്ടേണ്ട എന്നുള്ള നോട്ടമാണ് എങ്ങനെയെങ്കിലും. രാഷ്ട്രീയമായി മുതലെടുക്കുന്നതെങ്കിലും ഉദ്ദേശം എങ്ങനെയെങ്കിലും. കൃഷിക്കാർക്കു കറച്ചെങ്കിലും തൃപ്തികരമായ ഒരു നിയമമുണ്ടാക്കാൻ സാധിക്കുമോ എന്നുള്ള നോട്ടത്തോടുകൂടിയാണ് എങ്ങനെ ഈ ബില്ലിനെ സമീപിക്കുന്നത്.

“പ്രധാനമായി മൂന്നു കാര്യങ്ങളാണ് ഈ ബില്ലിൽ അടങ്ങിയിരിക്കുന്നത്—(1) മറ്റൊരുപാടും, (2) കഴിപ്പിക്കുവാനുള്ളതായും, (3) ഉൾക്കടൽ. കറയെല്ലാം അനേകമായി ചിട്ടം ആശയങ്ങളാണു് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു് എന്നു പറയുന്നതു്. പക്ഷെ ഇതിലെ ഏതു വകുപ്പുകളെ നോക്കിയാലും കാണാം ഇതു് കൃഷിക്കാരന് ഗുണമായിട്ടുള്ള ഒരു ബില്ലല്ലെന്നു്. ഇരുപത്തിരണ്ടു പറ നെല്ലുകൾക്കു് കൃഷിചെയ്തവ നടത്താൻ സാധ്യമല്ലെന്നു ആകുന്നു അറിഞ്ഞുകൂടാത്തതു്? കറഞ്ഞു മറ്റേതു പറയെ നാലു പറയെ ആവശ്യമാണു്. അതുപോലെതന്നെ കരുമുളകിന്റെ കാര്യമെത്രെന്നോക്കിയാലും. കരുമുളകു് കൃഷിചെയ്യുന്ന ഭൂമികൾ പലേടത്തും വളരെ താണവിലക്കു കിട്ടുന്നതാണു്. മുൻ കാലങ്ങളിൽ ഏക്കറിനു പത്തൊ പതിനഞ്ചോ ഉൾപ്പെടുകയും കൊടുത്തു വാങ്ങാൻ സാധിക്കുന്ന ഭൂമികളാണവ. അതുകൊണ്ടു് ആ സ്ഥലങ്ങളെ സംബന്ധിച്ചേടത്തോളം ജന്മിക്കു കൊടുക്കേണ്ട വീതിയും വളരെ കുറച്ചു നീക്കിയിരിക്കുന്നു. പതിനാറിലൊന്നോ മറെറു ആക്കി ചുരക്കണമെന്നാണു് ഏക്കർ അളിപ്രായം. കരുമുളകിനെ സംബന്ധിച്ചേടത്തോളം ആറിലൊന്നു് എന്നാക്കി മാറ്റാൻ മാത്രമാണു് ബുദ്ധിമുട്ടു് മന്ത്രി സമ്മതിച്ചതു്. മോട്ടോളെ സംബന്ധിച്ചും ഡ്രൈ ലാൻറിനെ സംബന്ധിച്ചും ജന്മിക്കു കൊടുക്കേണ്ട വീതിയും വളരെയധികം വെട്ടിച്ചുരുക്കിയെങ്കിൽ മാത്രമേ കൃഷിക്കാരനു് രക്ഷ കിട്ടാൻ പോകുന്നുള്ളു. ഇപ്പോൾ അതൊന്നും നോക്കാൻ സാധ്യമല്ല എന്നുള്ള മനോഭാവമാണു് ഗവണ്മെന്റിനുള്ളതെങ്കിൽ കൃഷിക്കാരനു യാതൊരു രക്ഷയുമില്ലെന്നു ഉറപ്പിച്ചു പറഞ്ഞുകൊള്ളട്ടെ. ഫെയർ റെൻറ് നീക്കിയിരിക്കുകയാണെങ്കിൽ അതു ഏതു ജന്മിക്കും കടിയാതും ഒരുപോലെ ബാധകമാണു് എന്നു പറയുന്നു. ഒരു contract rent-കൊ fair rent-കൊ ഏതാണു് കുറവു്, അതു സമ്മതിക്കുന്നു എന്നതിനെ ഒരു ന്യായ പക്ഷം മാത്രമേ എന്തിനുള്ളൂ. “Whichever is less” എന്നു വയ്ക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്. അല്ലെങ്കിൽ പാട്ടം വച്ചിട്ടിരിക്കാൻ ഒരു നിയമമാണു് ഇപ്പോൾ അസംബ്ലിയുടെ മുമ്പിൽ ഇരിക്കുന്നതെന്നു പറഞ്ഞാൽ തെറ്റില്ല. എന്തെല്ലാം പറഞ്ഞാലും ശരി, ഏതു മന്ത്രിയായാലും ശരി, മലബാറിലെ കൃഷിക്കാരുടെ മുമ്പിൽ ഈ ബില്ലും കൊണ്ടുചെയ്യാൻ സാധ്യമല്ല. കൊണ്ടുപോയാലും യാതൊരു പ്രയോജനവും ഉണ്ടാകാൻ പോകുന്നില്ല. കമ്മ്യൂണിസ്റ്റ് കാർ വിപ്ലവകാരികളാണു്, എല്ലാ പറഞ്ഞാലും അവർ എന്തിനും എന്നെല്ലാം പറഞ്ഞു കൊണ്ടായില്ല. എല്ലാ പാട്ടികളിലെ അംഗങ്ങളും ഒരു ആവശ്യംതന്നെ ആവർത്തിച്ചു പറയുന്നു. അതു ചെവികൊള്ളാൻ ഗവണ്മെന്റ് തയ്യാറാണോ എന്നാണു് ചോദ്യം. മലബാറിലെ കൃഷിക്കാർക്കൊണ്ടു് ഈ ബില്ലു് സ്വീകരിപ്പിക്കാൻ സാധിക്കുമോ എന്നു ഞാൻ ചോദിക്കുന്നു. സാധ്യമല്ലെന്നു ഞാൻ ഉറപ്പിച്ചുറപ്പിച്ചു പറയുന്നു.

“പിന്നെ പന്ത്രണ്ടു കൊല്ലത്തെ കൈവശത്തിന്റെ കാര്യം പറയുന്നതു്. മലബാറിൽ പ്രത്യേകിച്ചും മലാളേശ്വരങ്ങളിൽ പന്ത്രണ്ടു കൊല്ലം കൈവശമുള്ളവർ വളരെ ചുരുക്കം. അതുകൊണ്ടാണു് പലക്കും ഭൂമി കൈവശം കിട്ടിയിട്ടുള്ളതു്. എന്നു മാത്രമല്ല, ജന്മിമാർക്കു കഴിപ്പിച്ചെടുക്കാനുള്ള അവകാശം കൊടുക്കുകയാണെങ്കിൽ ഉടൻതന്നെ വളരെയധികം കഴിപ്പിക്കുകയും നടക്കാനുള്ള സാധ്യതയുണ്ടു്. ചില പാവപ്പെട്ട ജന്മിമാരുണ്ടു്. അവർക്കു എന്തെങ്കിലും രക്ഷചെയ്യേണ്ട എന്നുള്ള ഒരു ചോദ്യം ഉണ്ടു്. ചെറിയ ജന്മിമാരുടെ സംഖ്യയും ധാരാളമുണ്ടു്. പേരിനാലാണു് ജന്മികളാണു് അവർ. അതിനെ സംബന്ധിച്ചു് എന്തെങ്കിലും ഒരു വ്യവസ്ഥ ഈ അസംബ്ലിയിൽ ആലോചിച്ചു ഉണ്ടാക്കാവുന്നതാണു്. പക്ഷെ അതിന്റെ പേരിൽ കൃഷിക്കാരെ ഉപദ്രവിക്കരുതെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. വലിയ കൃഷിക്കാരുടെ കയ്യിൽനിന്നും കുറച്ചു ചുരുക്കാൻ വ്യവസ്ഥ ചെയ്യാലും തരക്കേടില്ല. എന്നാൽ ചെറുജന്മിമാരുടെ പേരും പറഞ്ഞു എല്ലാ ജന്മിമാർക്കും കഴിപ്പിക്കാനുള്ള അവകാശം കൊടുക്കുന്നതു് ശരിയല്ല. അതുകൊണ്ടു് ചെറിയ ജന്മിമാർക്കു്

[Sri C. H. Kanaran] [7th January 1954]

മാത്രം പ്രത്യേകം രക്ഷ നൽകുന്നതും അതേ സായുജ്യ ചെറുപ്പിക്കാൻ ദോഹിക്കാത്തതും ആയ ഒരു വ്യവസ്ഥ കൊണ്ടുവന്നു. അല്ലാത്ത വ്യവസ്ഥകളൊന്നും സ്വീകാര്യമല്ല.

“മറ്റൊന്നു പറയാനുള്ളത് ഉൾക്കടിയെ സംബന്ധിച്ചാണ്. മൂന്നു കൊല്ലം എന്നാണ് ഇപ്പോൾ നിശ്ചയിച്ചിരിക്കുന്നത്. പക്ഷെ മൂന്നു കൊല്ലം താമസിപ്പിടുന്നവനെ തെളിയിക്കാൻ ഔധികപേക്ഷ സാധ്യമല്ല. മൂന്നു കൊല്ലം എന്നുള്ളതു മാറ്റി ഒരു ആറു മാസം എന്നു വയ്ക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. അതിൽ കൂടുതൽ കാലം വധി വച്ചാൽ ശരിയാകുകയില്ല.

“ചുരുക്കത്തിൽ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ ബില്ലിൽ നിശ്ചയിച്ചിരിക്കുന്ന വിഹിതം പര്യാപ്തമല്ല. ചുരുക്കത്തിൽ മലബാറിൽ ആകമാനം പാട്ടും വർദ്ധിപ്പിക്കാനുള്ള ഒരു ബില്ലാണിതെന്നു മനസ്സിലാക്കാൻ വാക്യമല്ല. ഒഴിപ്പിക്കാനുള്ള അവകാശം ജന്മിമാർ കൊടുത്തുകൊണ്ട് പാട്ടും വർദ്ധിപ്പിക്കാനുള്ള എല്ലാ വ്യവസ്ഥകളും ഉൾക്കൊള്ളുന്ന ഒരു ബില്ലാണിത്. അതുകൊണ്ടാണ് മലബാറിലെ എല്ലാ പാട്ടികളും ഈ ബില്ലിനെ എതിർക്കുന്നത്. മലബാറിലെ ജനങ്ങളുടെമേൽ ഈ നിയമം വച്ചുകെട്ടുകയാണെങ്കിൽ അതിന്റെ അർത്ഥം ഞങ്ങളുടെ കയ്യിൽ അധികാരമുണ്ട്, ഞങ്ങൾ എല്ലാം ചെയ്യും, സ്വീകരിക്കാൻ മനസ്സുള്ളവർ സ്വീകരിച്ചാൽ മതി എന്നാണ്. ജനാധിപത്യത്തിൽ ഈ ഗവണ്മെന്റിനു വിശ്വാസമുണ്ടെങ്കിൽ ഞാൻ പറയുന്ന മലബാറിലെ എ.എൽ.എ. മാരുടെ ഒരു യോഗം വിളിച്ചുകൂട്ടി ഇതിനെപ്പറ്റി ഒരു രീതിമാനമെടുക്കട്ടെ. അവരുടെ ഭൂരിപക്ഷത്തോടുകൂടി ഒരു ബിൽ പാസ്സാക്കട്ടെ. എന്നാൽ മാത്രമേ മലബാറിലെ ജനങ്ങളെ സംബന്ധിച്ചിട്ടുണ്ടോളം തൃപ്തികരമായ കാരണവീക്ഷം സൃഷ്ടിക്കാൻ സാധിക്കൂ. അതിന്നു ഗവണ്മെന്റ് തയ്യാറാണോ എന്നതാണ് ചോദ്യം. സമയമില്ലെന്നു ഗവണ്മെന്റിന്നു ഒരു ഒഴിവുകഴിയില്ല. ഞാൻ പറയുന്നതു ഗവണ്മെന്റിന്നു ചെയ്യാനുള്ള മനസ്സുണ്ടെങ്കിൽ അവസരവും ഉണ്ടെന്നാണ്. ഇന്നുതന്നെ മലബാർ എം. എൽ. എ. മാരുടെ ഒരു കാൺഫറൻസ് വിളിച്ചുകൂട്ടാൻ സാധിക്കും. മലബാർ എ. എൽ. എ. മാരുടെ കാൺഫറൻസ് വിളിച്ചുകൂട്ടി ഭൂരിപക്ഷക്കാരെ അഭിപ്രായം എടുത്തുകൊണ്ട് നമുക്കു ഈ നിയമത്തെ മററി എഴുതാം. സെലക്ട് കമ്മിറ്റി കൂടിയപ്പോൾ പൂർണ്ണ മന്ത്രി പറഞ്ഞു അതിനെപ്പറ്റി ആലോചിക്കുമെന്ന്. പിന്നീട് അതിനെപ്പറ്റി യാതൊരാലോചനയും ഉണ്ടായിട്ടില്ല. പഴയ ബില്ലാണ്, സമയമില്ല എന്നല്ലാതെ പറഞ്ഞു ചമിഞ്ഞുമാറുകയാണ് ചെയ്തിട്ടുള്ളത്. അതുകൊണ്ടാണ് ഇങ്ങിനെയാരു പിന്തിരിപ്പൻ ബിൽ, ജന്മിമാരെ രക്ഷിക്കുന്ന ഒരു ബിൽ, കൃഷിക്കാർ രക്ഷനൽകാതെ ഒരു ബിൽ, ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്നത്. അതുകൊണ്ടാണ് ഞാൻ വീണ്ടും അപേക്ഷിക്കുന്നത് മലബാറിലെ എ. എൽ. എ. മാരെ വിളിച്ചുകൂട്ടി ഇതിനെപ്പറ്റി ചർച്ചചെയ്തു ബില്ല് വേണ്ടവ്യക്തികൾ പരിശോധിക്കണമെന്ന്. മലബാറിലെ കൃഷിക്കാർ ഗവണ്മെന്റിന്റെ മുമ്പിൽ പ്രമേയമാണെന്നും സമർപ്പിച്ചിട്ടുണ്ട്. മന്ത്രിമാരെ കണ്ടു നിവേദനങ്ങൾ നടത്തിയിട്ടുണ്ട്. അതൊന്നും വകവയ്ക്കാതെ തങ്ങൾക്കു തോന്നിയതു ചെയ്യാമെന്നു മനോഭാവമാണ് ഗവണ്മെന്റ് പ്രകടിപ്പിക്കുന്നതെങ്കിൽ മലബാറിലെ കൃഷിക്കാരെ നിർഭാഗ്യമെന്നു പറയാൻ തോന്നുന്നതല്ല. പക്ഷെ അങ്ങനെ ജനങ്ങൾക്കു വേണ്ടാത്ത ഒരു നിയമം ജനങ്ങളുടെ മേൽ കെട്ടിവയ്ക്കുകയാണെങ്കിൽ മലബാറിലെ ജനങ്ങൾ അതിനെ സമുദാഹരിക്കുകയോ അതിനെ എതിർക്കുന്നതെന്നു ചെയ്യുമെന്നു പറഞ്ഞുകൊണ്ട് ഞാൻ എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

SRI G. GOVINDAN :—“പായിൻഡ് ചുപ് ഇൻപർമേஷൻ ഞാൻ, ക്സെമ്പ് വെണ്ടിയേ ഉതലി സപാ നായകർ അവർക്കു, കൊറുക്കുപുഡ് വേണ്ടിയു നോർഡേൽ, അതാവതു കേ.പി. ആർ. കോപാലൻ എന്നു പിറത്തിയേക മുത്തറയിൽ കൈയെഴുത്ത് തിരുപ് പർത്തുണ്ടു നോർഡേൽ, ഇപ്പോതു ഇൻകുണ്ടു ഞല്ലാ ഞം.യെ. ഞക്കുണ്ടു ക്കും സർക്കുലേഷൻ ചെയ്യുപുപുറുക്കുതു. നീങ്കുണ്ടു ഇതെ അനുമാതിക്കുനീർക്കുണ്ടു”?

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*** DR. K. B. MENON :—**“Mr. Deputy Speaker, Sir, I wish to say just a few words about the misconceptions and misunderstandings about Malabar. There is a feeling, I sense, that Malabar with her people and her problems are all equally inscrutable. I wish to tell my friends from Tamil Nad that the

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Malayalees are a simple people satisfied with plain living and high thinking. I wish to tell them that there is nothing mysterious, mystical or mythical about Malabar or her sons and daughters.

Coming to the subject proper, in the last two days, I have heard expressed on the floor of the House insinuations and criticisms, or, shall I say, accusations hurled against me and my party comrades in the House for our supposed crime of having not co-operated with the Select Committee. They were first expressed by the Chief Minister and the chorus was taken up by another Member of the Congress party, Mr. Gopala Menon. I wish to tell Mr. Gopala Menon that we non-co-operated not because we felt that the Congress was not capable of hammering out a Bill satisfactory to the people of Malabar. We have no such illusions. We are conscious of the fact that there are eminent jurists and eminent brains in the Congress capable of producing a Bill satisfactory to the people of Malabar. What we were convinced about was that the Congress lacked the will to produce such a Bill and not that it lacked the capacity therefor. Capacity to do a thing is very different from the will to do a thing. The Congress Government had full information about conditions in Malabar, knew the needs and requirements of the people of Malabar and drafted and piloted a Bill through the Legislature some time ago, I think before the general elections last year. If the Congress fails, it will be not because that the Congress has not felt the pulse of the people of Malabar but because it does not want to bring in a tenancy reform which would satisfy the needs and the requirements of the people of Malabar. I do not know the reasons for their not bringing in a satisfactory legislation. May be it is to fulfil their own interest or to protect the interests of those in Malabar in whom they are interested. I do not know the reason. Another reason why we non-co-operated with the Select Committee, is, Sir, we have had enough of bad experiences with Select Committees. We know that Sri Madhava Menon's Bill as it was originally drafted was much more acceptable than when it emerged from the Select Committee to which it was referred. In these Select Committees, the Congress were in a majority. I do not say that it is a practice to pack these Select Committee. That will not be true. It is true, however, that in those Select Committees our voices are drowned. It is because of our past experience and, therefore, we felt that the Congress will not produce a satisfactory Bill, we did not want to participate and share the responsibility. Our suspicions have come true. It has been more than displayed in the present Bill which has emerged from the Select Committee. We find as many as seven dissenting minutes. Eight members have appended their signatures to seven dissenting minutes. Amongst these eight members, there are Congressmen. There are also some non-Congressmen. The language of the dissenting minutes is vehement and the points of view expressed are also equally vehement. The dissenting minutes are indicative of the nature of the discussion in the Select Committee and of the reactions of members to the discussion thereon. Judging

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from the dissenting minutes, I feel we have no regrets for not having offered our co-operation and for not having participated in the Select Committee meeting.

“ From the dissenting minutes and also from the opinions expressed by Hon. Members on the floor of the House, I could cull a certain chorus of opposition to some of the main issues in the Bill. I mean particularly to the three main issues, viz., (1) the question of occupancy rights, (2) the fixation of fair-rent and (3) protection of *ulkudis*. These were the main issues against which the dissenting minutes are appended. These three main issues, for the proper solution of which the people of Malabar have all along been clamouring, have not been solved satisfactorily in the Bill that is now on the anvil here to-day. Then is it any wonder that we, who represent the people of Malabar, have been incessantly protesting against the Bill? Let me say a few words about each of these items.

“ Let me first take the question of giving occupancy rights to tenants. Security is a factor which has played a very dominant part in the life of all peoples and of all nations. Human history has been a history of struggles for security. In every country, in every age and in every strata of society that struggle has been going on from time immemorial. As far as Malabar is concerned it has been an unending ceaseless and continuous struggle on the part of the peasant for security, for occupancy rights. This has been repeatedly pointed out by member after member hailing from Malabar. Numerous efforts were made in Malabar on various occasions by the Government of the time to study this question of giving security to the tenant. The first person to study the subject, as far as I know, was Mr. Logan. Logan's Manual is a valuable source of information on matters pertaining to the tenancy prevailing in Malabar. In that book, Mr. Logan has claimed that security should be accorded to the tiller of the soil in the interest of better production. Necessity for offering security for the tenant has been pointed out time and again by committees after committees appointed by the Government. I shall not go into details here. I only wish to point out that in the last enquiry conducted by the Kuttikrishna Menon Committee, Mr. Menon went a little further and pointed out that the owner of the land was not the *janmi* but it was the tiller of the land who should be considered as the owner of the land. Any legislation will only make a *de facto* situation *de jure*. The claim of ownership that the *janmi* makes is only one of force or of conquest. It is only the tiller of the soil who works from dawn to dusk that has any real title to the land. That is why I say that giving the tiller of the soil the ownership right will be only giving a legal recognition to a matter of fact position.

“ In the Bill that is before the House now, security of tenure is provided for those tenants who have been in possession of the land for the last twelve years. That this is an improvement on the present Act, I concede. But it is defective in many ways

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and does not go far enough. In the first place, the time fixed is arbitrary. It may be urged that many undeserving persons may profit by this provision. It is also possible that deserving persons may be excluded. In the second place, the Act makes provision only for time and not for extent of acreage. This clause, perhaps the most crucial clause in the Act, fails to meet in a satisfactory way the basic demand of the people for occupancy rights. The most logical and perhaps the best thing to do is to concede outright occupancy right to the tiller of the soil. Perhaps the Congress Government may not be willing to go to that extent and may, therefore, venture to suggest that the acreage may be fixed as five acres and that occupancy rights may be given to those who hold five acres. I am quite aware and conscious of the fact that that also will create some problems but we can make the necessary adjustments. That is my submission. We are opposed to clause (5) of sections 14 and 20. We are for the complete deletion of it. As it is, a primary right is given for eviction and it is capable of being misused and abused by the landholder. We have been against it and we are still against it. The general consensus of public opinion is also against it. This question of occupancy rights is an important and ticklish problem, over which the minds of Members as well those of the people of Malabar are very much agitated and if a satisfactory compromise is not arrived at on that issue, I am sure, it will lead to terrible discontent in Malabar and awful uncertainty in the life of the peasant.

“ The next question is that of fair rent. As has been pointed out, the problem of fair rent is very closely inter-related with that of fixity of tenure. If the question of fixity of tenure is satisfactorily settled, the question of fair rent becomes more easy of solution. It has been pointed out by one of the Special Officers appointed by the Government, Sri Raghavendara Rao, that the Malabar Tenancy problem can be solved to a very large extent if the question of security of tenure is satisfactorily solved. Eviction and threat of eviction, he contends, is the main source of worry and consequently of agrarian discontent. One must remember and particularly our Tamil Nad friends should remember the fact that the relationship between the landlord and the tenant in Malabar is quite different from what obtains in Tamil Nad. Even Sri Madhava Menon has accepted the fact that the landlord in Malabar absolutely does not give the least consideration to the tenant, that he advances not a single pie, that he gives no capital, that he supplies no manure and that he in no way helps the tenant. Therefore, when we talk of the relationship of landlord and tenant in Malabar, the average man from Tamil Nad is unable to understand it. The tenant in Malabar always lives under constant threat of being evicted. Because he is in danger of this constant threat, because he belongs to a low strata of society and has no resources, and because the landlord often drags him straightway to the court and at times to the High Court—after all, justice in the society as it is to-day constituted can be valued or estimated in terms of money and the heaviness of the

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bank balance—the tenant is incapable of fighting the landlord. Any provision regarding the fixation of fair rent will be unfair to the tenant under conditions that are obtaining in Malabar to-day and so long as he has no permanent occupancy rights, it will go very much against the tenant. We must always in tenancy legislation take into consideration the interest of the tenant more than that of the landlord. Otherwise, it will be against the very spirit of any tenancy legislation. That is all what I have to say about the fixation of fair rent.

“ I shall conclude with a few remarks about Ulkudis. The question of Ulkudis also seems to have agitated the minds of the Members of Malabar. It is a very vital problem to-day as far as Malabar is concerned. It has been pointed out that there are five lakhs of Harijans, who are poor, downtrodden, homeless and illiterate, with no means of earning a livelihood except through manual labour. The Government were generous in promising 15 cents of land for every Harijan. But I must confess this is a political stunt, for the Government have not got 15 cents of land to give to every Harijan in Malabar. More lands outside Malabar say in Tamil Nad have been allotted to the Harijans because Government have got in Tamil Nad plenty of poramboke lands to allot. That is why I claim that it is merely a political stunt to say that the Congress Government is giving 15 cents of land. I would like to ask a straight question: ‘ To how many Harijans have the Government given lands in Malabar?’ The institution of ulkudi in Malabar is the product of occupational necessity and also of economic stress. If the Harijans had enough occupation and enough lands, the institution of ulkudi would not have arisen. Ulkudi is a kind of forced labour. The ulkudidar receives very low wages from the man who owns the land. A Harijan or non-Harijan, who lives in the ulkudi, has to be at the back and call of his master all the twenty-four hours. He serves his master day in and day out. It is under those conditions that the institution of ulkudi has arisen in Malabar. Failure to make a satisfactory provision in the Tenancy Act in favour of the Ulkudi dweller will be unfair and will even be cruel. The provision that has been made, namely that he may be evicted from the ulkudi if land is given to him within the *amsam* is also unfair. Every man, who lives on his manual labour, has a certain area or field of work and if he is evicted from that area, naturally he is rendered helpless. An *amsam* may be three or four miles square and if an ulkudi dweller is asked to shift from his area of work and go to a place three or four miles, away, he will be thrown into an environment where he will find it difficult to get work. Therefore, a provision should be made to give him land within a radius of half a mile or three-quarters of a mile from the ulkudi where he lives. The provision of three years is not a workable proposition. These persons cannot read and write. They know nothing of law and they will be unable to produce evidence. On the other hand, the landlord who gets the ulkudi dweller evicted from his property, will be able to produce plenty of evidence. These are

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considerations that should be borne in mind when any legislation is made affecting the ulkudidar. I wish to repeat once again that the ulkudis in Malabar are the result of occupational necessity and economic stress. If it is borne in mind that there is no land to be given to the ulkudi dwellers, I am sure the framers of this Bill will be much more considerate towards them. The Hon. Chief Minister was in Malabar recently, and I think he has sensed the feeling of the people there. He should have known how intensely they feel on this one issue. The Ministers are fully aware of the trouble created by the absence of a satisfactory Tenancy Act for the last so many years and by the stay orders. The Bill that has been brought up before this House now is very unsatisfactory. We were talking of Mr. Madhava Menon's Bill. The original draft Bill of Mr. Menon as it was introduced was far more acceptable to the people of Malabar than the Bill as it emerged from the Select Committee. I even make bold to say that the draft Bill of Mr. Madhava Menon as it was introduced is much more acceptable to the people of Malabar than the Bill that is on the anvil to-day. I therefore urge that the Malabar Tenancy Act as it is to-day should be thoroughly overhauled and made more acceptable to the people of Malabar. That is all I wish to say at this stage. I wish that the Congress Government would not use its majority to push through this Tenancy Act but that they would consider all aspects of the question."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, it should be understood that I am not winding up the debate. The debate will be continued. I am only intervening to try if we can reduce the conflict and regulate the debate so that we may finish the Bill at this sitting. I think it is highly desirable that we should not let this matter be pending when we disperse after this sitting. We ought to be able to produce a Bill as approved by this House and wait for the other House to deal with it. It will be unfortunate if we disperse without concluding the consideration of this Bill in this sitting. I wish to mention how far we could go in meeting the criticisms of the various Members who have spoken. My hon. Colleague Sri Kuttikrishnan Nair has asked me to represent the position of the Government in that respect.

11-20
a.m.

"Before I come to the Bill, I would like to mention that Dr. K. B. Menon has not improved his position, as the complaint made by Mr. Gopala Menon still stands unrefuted in my opinion. Dr. Menon gave the reason for his Party's non-co-operation with the Joint Select Committee. The reason makes the position worse, in my opinion. He gave the reason that the members of his Party were convinced that nothing good could come out of this Government. That was the substance of what he said, whatever may be the language used. I am in the habit of putting things clearly though somewhat crudely and I hope hon. Members will forgive it. He has prejudged the issue in saying that nothing good could come out of this Government. I should think that is not fair. At any rate it is not expedient in the management of

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human affairs for any one to start with such a prejudice, when we have to get on with a Government and an Assembly with a mixed body of people. Though all our ideas may not coincide with the views of other groups still we can carry on our affairs successfully. I am sorry for his Party's non-co-operation. At the same time, I must remind hon. Members if they have forgotten it or tell hon. Members who do not know it that we took the step of inviting even the members of the Party to which Dr. Menon belongs and which he is leading to come even though they were not members of the Joint Select Committee. We had an informal meeting at which their views were heard. I was very gratified at the very harmonious and sweet atmosphere that prevailed during that informal conference and we dispersed in the same atmosphere. I am grateful to the gentlemen belonging to Dr. Menon's Party for this, even though formally they non-co-operated and have given rise to this issue.

"It has been said over and over again that the accepted principle of the Congress Party is, judging from the statements made on behalf of the Congress, that the tillers of the soil should be the owners of the land, and that the obstructions placed in the way of reaching that desirable termination are not good. It is true that tillers should be owners and owners should be tillers. But we should not imagine that that solves the difficulty. We are a rapidly increasing population. Whatever acreage we may fix now, and the admittedly difficult proposition was put forward that we might put the limit at five acres, immediately after that we will have more people and no lands to till. Our children and the children's families will grow up. We will have a large population who are willing to till the soil but who have no soil to till. It is easy enough to suggest that any one who happens to be a tiller of the soil in 1954 January should be made the owner of the land. It is far too simple a proposition, and is not a correct one. If the persons who are now the owners according to law, who have been exercising the rights of ownership and who have been admitted to be owners both by the Government and the people, become or are ready to become tillers of the soil, what is there wrong or unreasonable in that soil being handed over to the owner for tillage? Therefore, it is that provision was made in the previous amending Bills and is made in this Bill also to the effect that when a family becomes poor and the members of that family are willing to till the land which is their own for meeting their primary needs, it should be permitted. If that is done, the owner becomes the tiller or the tiller becomes the owner. It is not by one-way change only that we should achieve the result. The Leader of the Opposition eloquently argued that the tiller of the soil should be made the owner of the land if food production was to be increased. It is right that the owner should be the tiller and the tiller should be the owner so that we may get the best out of the land. But it does not follow that a man who has squatted on the land or has become a tenant for one or two years should be declared the owner when the owner is prepared to become the tiller. Simple solutions are

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not always correct.. It is easy enough to expatiate eloquently imagining that that is the only solution. But what we have always stood for and we will stand for is a progressive policy by which the owner tills his land and the tiller becomes the owner of the land. From both sides we must proceed with the movement and we must see finally that he who is in legal possession of the land is also the tiller of that land. That end cannot be reached within a reasonable time by expropriation and injustice. It should be reached by a process which is juster, softer and gentler. With this end in view, various amendments were sought to be made from time to time.

" It is quite true that what is just to-day will not be just to-morrow. My hon. Friend Mr. V. R. Krishna Iyer, for whom I have very great regard, put forward the proposition that what is just to-day may not be just to-morrow and what was just yesterday may not be just to-day. Theoretically that is a correct proposition which any philosopher will accept. A basic defect in the Communist Party's thinking is that justice can be altered from time to time and that the right of to-day may become the wrong of to-morrow and the wrong of yesterday may become the right of to-day. If it is interpreted in that way, I would not accept the proposition. But if it is interpreted more philosophically and more soundly, it is true that ideas of justice and ideas of right and wrong are progressive and ideas must change. But it should not be a justification for expropriation and a justification for laying down anything that is unjust at the moment. That is what I would like to mention about it. 11-30 a.m.

" Then much, was said about the demands of poverty and the demands of people who were in a difficult position. All that is accepted. But I would like to warn hon. Members in this and other matters that it is not enough that we just provide relief and charity, so to say, to people who are now in distress before us and who are clamouring for it. It is necessary to remember that any step that we take should not close the shop, so to say, and should not make it impossible for other people to come in. I would say that there are large numbers of children waiting to till the soil and it is not right that the present tiller of the soil should be made the means of punishing future people who are willing to serve and work on the land. This applies to industry, agriculture and everything. Trade unions and parties that work progressively from trade unionism to communism, socialism and the like forget that the closed shop or whatever is alike to it, is a gross piece of injustice to the nation. We cannot say, ' A man is here in possession; put him in possession. A Harijan is cultivating here; make him the owner ' If we say that, what about other Harijans who are willing to take it and cultivate it? It is the duty of the Government to keep the resources of the State available for a larger number of people and to cover a larger number of cases than the immediate present. While, on the one hand, we should make the owner the tiller and the tiller the owner, and while, on the one

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hand, we must provide land for cultivation for those who are wanting it we must, on the other hand, remember that we must provide for a sufficient amount of elasticity to meet the needs of the future also. Therefore it is that owners of lands should not be tied down in a rigid manner for which very often proposals come from the Opposition Benches. Now, if these principles are kept in mind, it will be more easy for hon. Members to appreciate the proposals contained in the Bill. It is said that all the people in Malabar are against the Bill, that therefore it is no use and that the old Act is better. That was how the hon. Member Dr. Menon wound up his speech. He said, 'The law as it stands is better than the law which the present Government are proposing.' If that is the opinion of the House, it will relieve the Government of a great deal of trouble. We have no objection whatsoever to it."

DR. K. B. MENON :—“ I did not say, 'The law as it stands is better than this Bill.' I said, 'Sri Madhava Menon's original Bill was better than this.' ”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I have not read Sri Madhava Menon's original Bill. I have hardly time enough to read the present Bill. I think it is very necessary to change the law as it stands and, therefore, the present Bill should be accepted. If the hon. Member Dr. Menon had come into the Joint Select Committee, not even as a Member, but as a visitor or an honorary invitee, and said, 'The old Bill is quite good and we do not want the new Bill' very probably the Joint Select Committee would have gone into that Bill. It is no use now saying it for the first time and referring to an inchoate Bill which was not made into law and which is not before the House now.

“ Then, appeals were made that this was a question of landlords and tenants of Malabar and that the Tamil people should not, by their action, get into being thought as tyrannizing over the Malayalam people who were primarily concerned with this Bill. Now, it is good parliamentary tactics. That is all I can say about it. It is good parliamentary tactics to divide one's opposition I have done it and the Opposition is also trying to do it. It is all right as tactics, but it is not fair. We are playing with fire in that matter to rouse feelings like this by a suggestion or indication of Tamil against Malabar and Malabar against Tamil. It should not be suggested that unless the views of the Members now sitting in the Opposition are accepted, it must be assumed and presumed that the Tamil people have done an injustice to the Malayalam people. This kind of suggestion is not good; it is not healthy.”

SRI T. C. NARAYANAN NAMBIAR :—“ We did not say that.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I do not say that you said that. That is why I used the word suggestion or indication. I don't say that you said that, but the result was that; if the Members of the Opposition were suggesting one after

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another, 'This is about Malabar. Let the Malabar people decide the question. Let not others interfere with it. If they interfere and approve of the Bill, they would be dubbed as the enemies of Malayalam people.' Let us talk plainly and frankly. Now, that is not good, I say. I do not say it is out of order. But I say that it is not good. I would request hon. Members to forget that chapter of the debate. The whole House is seized of the Bill. We cannot delegate the rights of legislation to a section of the House to do as they like in substance or in an informal manner. We meet here together though we may pay more attention and greater regard to what those particular hon. Members say. But the decision should be that of the whole House. As yet, we have not handed over the fate of Malabar to six or eight Members who have come from that place. It would not be right to do that. I would submit that that attitude is wrong. It is not a question of Malabar; it is not a question of language; it is not a question of political party; but it is a question of rearrangement of the rights and obligations as between landlords and tenants. It is not a party question in the sense of being a political party question. If there were a landlords' party here and if there were also a tenants' party here, then we could have justice by a debate between the two parties. But what is the state of things now? An election has been conducted on an entirely general plane. It is a general election and Members have come into this House from the Malabar area, belonging predominantly to a particular political party. Now, the one material side in this issue, namely, the landlords, is very poorly represented. I don't say that their case is just. I don't say that their claims are just and the claims of others are wrong. But what I say is that their representation is not fair. Therefore, it would be wrong to hand over the right of legislation entirely to Members who have come from a particular area. That is why the whole House is seized of it. That is why the Government are trying to do justice and not merely to act on a mandate. I may repeat a greater man's phrase here. Our democracy is not a mandatory democracy. We have authority to debate and to decide. We are entitled to consider what is just and to decide. We are representatives elected by the people. On each issue we do not get a mandate from the people. That would be, what is called, a mandatory democracy which was put aside as wrong even from the time of Burke up to the time of Winston Churchill. Our position is exactly the same. The Members who come from the constituencies are independent people. They decide all questions and they decide on a basis of justice, right, truth and the like, and not merely on mandates received from a particular section. If not it would mean that this law relating to landlords and tenants should be altered every time an election takes place and that no law on the statute book should be deemed as really permanent law. That would mean that that is only a party law, like the appointment of judges of Courts in America where as soon as the President is changed, the judges also change. All that is not what we admire or what we desire. The issues involved in the present Bill are issues between landlords and tenants,

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issues involved in agrarian problems and issues involved in social reform to the extent that the peasants and landlords come into the field for discussion in matters of social reform. We must discuss it from that point of view and not merely say, 'All the Members from Malabar are here. If they agree to a piece of legislation, other Members should accept it unless they wish to earn a bad name from the people of Malabar.' That is not right and proper.

11-40
a.m.

"The next suggestion dealing with this problem was that it would not be wrong to classify the landlords and that it would be constitutional to do so. It may be expedient to make different laws so to say and to create different rights and obligations for particular classes of landlords and particular classes of tenants. Well, it may be possible. I believe that Mr. Krishna Ayyar has given me good legal advice when he said that it would not be unconstitutional to make this classification. In the legal field it may not be considered as an infringement of fundamental rights. But there are all kinds of classification and it may be dangerous to classify in the manner it is proposed to be done. I concede that it may be justified and it may be constitutional. It is not possible however on the spur of the moment to come to any just conclusion regarding the creation of a new line of classification of landlords and of tenants. We may have to wait for sometime if we have to appoint a Committee to find out what should be the real and proper classification. For instance, let me quote an illustration. Suppose we classify these janmi-pattadars who pay Rs. 100 as one class or unit. The condition of the pattadars in Tanjore who pay the same Rs. 100 will be different. The position of this class of pattadars in other districts may be different. Many such complications are bound to arise in a classification of this kind. So, I do not think the Government can now launch upon a programme of classification based on the amendments that may be proposed. There is no good hon. Members' expecting the Government to agree to such amendments. I would beg of hon. Members not to depend upon that, because it is too complicated a procedure. We must have general laws applying to everybody. I looked into the matter and was able to get information from my Colleague, as to how things stand at present with regard to landlords or landholders in Malabar. I find that in all, joint pattas and separate pattas there are about 4½ lakhs of janmi-pattadars. Out of these 430,000 persons are those who pay an assessment of less than Rs. 50 per annum, about 9,000 pattadars pay an assessment varying between Rs. 50 and Rs. 100 and only about 6,000 pattadars pay an assessment above Rs. 100. So, whatever law we may make will apply 4 lakhs odd janmi-pattadars or small proprietors or small landholders who may pay an assessment of Rs. 10 to Rs. 50. That being so, there is no good calling them all janmis and damning them."

SRI P. K. GOPALAKRISHNAN :—"They are peasant proprietors."

* THE HON. SRI C. RAJAGOPALACHARI :—"This phrase is not yet a vernacular term. Janmi is still the phrase. He is a small

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janmi, or small proprietor or small landholder. Let us use our own language. The fact is he is a proprietor. Whether he is a big or small proprietor depends on the size of the holding and not on the name that we give to him."

SRI P. K. GOPALAKRISHNAN :—" Janmi is one who rents out his land and who does not till it himself."

* THE HON. SRI C. RAJAGOPALACHARI :—" That is all right. Now we tried in Tanjore to find out who exactly may be defined as a cultivator and who is not a cultivator, whether one who is engaged in cultivation for six days in a week or one day in a week and whether he can be called a cultivator and so on. Let us not try to classify these people. Hon. Member Sri Gopalakrishnan seems to imagine it is easy. Before we try to make the classification, we must at least give these people a chance. We cannot straightway make a classification. We will have to ask these people, ' My dear friends, will you cultivate these lands yourselves or will you hand over those lands to us? ' We must give them a chance to decide. There are many of them who will be prepared to cultivate the lands themselves. So classification is not possible. Now, I am trying to give a picture of the problem before us. I am not dealing with big janmis who are like big zamindars. But in the case of the 4 lakhs odd small proprietors, we must give them a chance to decide whether they were prepared to cultivate the land themselves or give fixity of tenure to those who cultivate for them. If they do not do so, they will go out and they will be wiped out with the advance of time. We have to be just when we pass these laws. We should not be misguided by wrong notions and wrong ideas. Let us see how things stand and what is the just thing that we should do. It is easy to say that nothing has been done and so on. The Government felt that some just changes must and could be made and certain amendments have been brought forward. I met the friends who were brought to the Assembly yesterday to wait on me in deputation regarding this matter. I had a fairly good discussion with half a dozen of them who put their case from their own point of view. We also know what hon. Members have said here. Although the discussion has been general, they have suggested certain points to which we should apply our minds. We have done that. It is open to Government to wait for the amendments to come up and to answer them then and there with counter amendments and the like, and also to come to some compromise. All that could be done if we had a much longer time than we have at the present moment. Therefore I am anticipating hon. Members and am suggesting that they may accept what seems to me very just. I am appealing to them to do so. To the extent we are able to effect changes, we shall do it to meet the ends of justice. Hon. Members know, though they may not admit it, that I am very gullible person. I am waiting for you to laugh and say ' No '. Whatever it is, I am a gullible person and the Communist party is extracting its utmost from me in every matter. There is no doubt about it; the whole countryside knows it. The complaint is that I am yielding too much to pressure. But it is a matter of duty and that is why I

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do it. It does not matter who makes it. It does not matter whether a proper thing proceeds from my own sense of justice, or the Government's sense of justice or whether it can be equated with the pressure used by able persons among other parties who have been vigorously making the claim. Whatever it is, it is not relevant for the purpose of legislation. For the purpose of political progress and political development and things of that sort, it may be relevant and everybody is entitled to use his own ingenuity and alacrity in claiming this and that. So far as sense of justice goes, it is Government's view that some changes may be allowed and although there may be doubts it is better to yield in these matters so that we will be able to dispose of this Bill quickly.

"The first point to be considered, or I should say the basic point to be considered is, what is the proper share of fair rent that we must provide under this Act. As regards wet lands, the share according to the law as it stands to-day is half and half. In garden lands, especially pepper gardens, it was once $1/5$ th. The proposal is to make it $1/6$ th. In the case of coconut gardens, it has been always $1/6$ th. All these relate to gross produce. I have given only a rough fraction and my Colleague will deal with this subject more accurately. I am suggesting what I think we might agree to. Hon. Members are requested to accept these things. The provision relating to half and half share is left to remain as it is. As far as pepper gardens, it is proposed to make the share $1/6$ th. So far as the coconut gardens are concerned, we are prepared to make it $1/8$ th instead of the present share of $1/6$ th. The Government are going to ask hon. Members to accept these amendments. It is easy to make suggestions that it should be $1/10$ th and so on. It is not for the purpose of bargaining, I am saying these things. If I had intended to bargain, I would not have begun giving the Government's ideas with regard to these matters. I am therefore suggesting that hon. Members may accept these things.

11-50
a.m.

"Then comes the question of cultivation expenses. Now, it has been said that 22 paras is not enough. Heaven only knows what would be enough! It differs from place to place and from man to man. So, I suggest the House should accept 25 paras, Palghat paras, mentioned by a leading member of the Communist Party, in a dissenting minute in a Committee report, Sri Sankaran Nambudripad. Twenty-five paras may be taken as fairly reasonable and this amendment can be introduced in the relevant clause when we reach it to-day.

"Sir, it is wrong to say that only a tenant should have the right to go to a fair rent Court and that the landlord should be prevented from doing so. This is the meaning of saying: 'Fair rent, if it is less than the rent which it was the practice of the tenant to pay previously, which is called contract rent.' Fair rent should be fair. Fairness demands that if a Court after looking into the whole matter especially prices decides that a certain amount of money rent is fair, which is above the previous money rent it should be accepted. To say that a landlord should not be allowed to use this

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provision, as was suggested by an hon. Member on the other side, is not fair. If for any reason we accept this suggestion, then it would not be a fair rent court at all. It would be perfectly wrong and misleading vocabulary to designate it as such. It is saying something like this. Let us have justice, provided it is like this. Let us have a decision from the court provided it is in favour of the accused person. We have to accept the principle of fairness to both sides. Then, there is another kind of fairness and that is that fair rent should not be imposed in such a way as would work harshly on the poor man. This element has to be taken into account when we determine the money value of the fair rent. Where payment is made in kind, there would be no difficulty. But since people want kind to be converted into cash and since prices vary in the world—and vary very enormously in respect of coconut and other commercial products—the question has arisen what the fair rent should be and to what extent the right of the landlord should be reduced to equate it to the capacity of the tenant to pay. Every tenant has a right to go the Court and demand an examination of the matter as to how much will constitute fair rent and how much he has to pay. Provision has been made for that because we cannot deny it. But I agree on behalf of the Government that we should put a maximum limit to the rent that Court may decide on, that is, we must restrict the worst that a landlord can do in respect of fair rent to the tenant. So, I suggest that where a court decides fair rent in favour of the landlord it shall not be more than double the amount that he was getting by way of rent previously. We have had in the Bill a provision that it shall not be more than three times the previous rent. I think that frightened the people and we thought that it should never be more than twice the previous rent. The maximum fair rent cannot be raised to more than twice the previous rent. But I go a step further and add that in no year should it be imposed except to the extent of twenty-five per cent over the previous years rent. Therefore, it should be spread out until it becomes twice the previous amount and cannot be increased further. I submit that this is a fair proposal that I am making. Please accept it wholeheartedly. I am asking hon. Members to do so because no piece of legislation will improve and help society unless it goes with prestige and with sufficient goodwill on all sides. Therefore it is that we make these changes and ask hon. Members to accept them. All these decisions will be carried out in the proper form, in the form of amendments to the Bill."

SRI M. NARAYANA KURUP :—" I want to mention some points which have not been looked into in connexion with the question of fair rent. The Hon. the Chief Minister said that 1/6th may be changed into 1/8th in respect of coconut gardens. But there are two kinds of rent."

* **THE HON. SRI C. RAJAGOPALACHARI** :—" Probably the hon. Member is referring to coconut trees raised by landlords and those raised by the tenant. I am referring only to those which are raised by the tenant. Otherwise, there is no reason why any such provision is necessary. So far as the provisions of the Bill go, with

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reference to the three points raised by the hon. Member we have done so much. As regards the landlord himself, I do not propose to make any change in the matter of coconut gardens raised by him."

SRI V. R. KRISHNA AYYAR :—" In respect of fair rent for garden land on which pepper and arecanut are raised, the present provision is 1/8th of the produce. It is 1/4th if improvement is made by the landlord. In respect of pepper there are three categories of . . . "

THE HON. SRI C. RAJAGOPALACHARI :—" What I would like to make clear is this. In respect of pepper crop, 1/5th has been proposed to be converted into 1/6th of the produce . . . Let me complete it because I may be wrong and I am not quite sure whether I am right or wrong. I may be corrected if I am in error. In respect of coconuts where they are grown by the tenants, I propose 1/8th instead of what is now obtaining. With regard to trees where the landlord has grown them, the present provision is allowed to remain. With regard to arecanut it is 1/8th and coconut gardens are brought to that level."

* SRI V. R. KRISHNA AYYAR :—" There are two things to be said with regard to pepper. One-fifth is made into 1/6th in respect of gardens where principally pepper vines are grown. In respect of gardens where pepper and areca and coconut are grown, there is a differential treatment in respect of pepper vines and areca. The existing provision is that the rent should be 1/4th if the improvement has been effected by the landlord and 1/8th if it has been effected by the tenant. In respect of coconut it is 1/3rd if improvement is done by the landlord and 1/6th if it is done by the tenant. Now that the Government have agreed to bring the fair rent in respect of coconut down to the level of areca or pepper, I want to know whether a consequential amendment will follow making 1/3rd in respect of coconut where it is grown by the landlord into 1/4th as in the case of areca or pepper."

* THE HON. SRI C. RAJAGOPALACHARI :—" My attention was drawn to that and we considered whether we should tinker with the existing position. I do not think it is a corollary to the amendment I have suggested, except that it may be so in a mathematical way. Where two things are not connected with each other, the provision may remain as it is. That is what I think.

" In respect of ulkudis, I agree at once that the three-year period may be reduced to one year, as far as protection of ulkudis is concerned. I hope we may stop with that. Then reference was made to the twelve year period mentioned in sub-clause 5 of sections 14 and 20 relating to eviction. Sir, this provision really makes no difference at all because the conditions for eviction have been made so hard and impossible that there is no harm in keeping this provision as it is. I have no objection still to make this twelve-year period six years so that there may be no further difficulty about

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that. I submit this is also a very reasonable change and I hope it will be accepted by all. We are dealing with a period when there have been many agitations and the like and so we agree to this six-year period. I am making all these suggestions in the hope that they will quicken the process of getting the Bill passed with the changes I have proposed.

"Sir, finally as regards recovery of arrears, a suggestion was made that the provision relating to this should be changed in so far as it related to the period of claims. I am sorry that it is difficult to do so for the reason that it will be unjust. Hon. Members should not think that I wish to be harsh on the tenants in respect of this. But this difficulty arises. Many suits have been filed and arrears of rent have been deposited in Courts. Therefore, it would not be fair to discriminate between those who have paid the arrears of rent and those who have not cared to go to courts. It will be unjust to those who have already gone to court and who have been law-abiding and have paid the deposits. It is also not right to ask people who have taken the arrears of rent to refund the money. I think it is right that we leave the provision as it is."

DEPUTY SPEAKER:—"I fix a time-limit of ten minutes for each hon. Member."

12
noon.

SRI M. NARAYANA KURUP:—"I wish to speak on one important point . . ."

DEPUTY SPEAKER:—"The hon. Member can have his say when the clause by clause consideration of the Bill comes up. Mr. T. C. Narayanan Nambiar may now speak."

SRI T. C. NARAYANAN NAMBIAR:—"I shall speak afterwards."

* SRI M. NARAYANA KURUP:—"It has been stated that assignees will not be entitled to claim any share in respect of the produce for two years. But it should not be forgotten in this connexion that the tenants are handicapped to a great extent by the insertion of this provision. Inasmuch as no correct records are now being kept in respect of assignment of lands, it more often than not happens that the tenant is not able to take advantage of the provision. He is not able to establish in a Court of law that on such and such a date the assignment has been made and that for two years the assignee should not claim any share in the produce. Moreover the legal proceedings take a long time and in the meantime the two-year period invariably lapses by the time the judicial decision is finally delivered. So the tenant is without any remedy. Therefore I would particularly urge that it would be by far better to provide a longer period, which is very essential."

* THE HON. SRI C. RAJAGOPALACHARI:—"I just wish to add a sentence. I had made these changes so that it would be agreed to by all the Members and would be acceptable to the House. I would only add that a great improvement has been made now."

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But no one has pointed it out or taken care to point out the greatest improvement that has been made in the present Bill. For the first time fixity in respect of a holding has been given statutorily. Now it is necessary to be more careful in dealing justly with the landlord. That is why I laid so much stress on the landlord. If there is no fixity, there is nothing to be gained by going into the question of fair rent. But there is fixity now. We should not be hasty, therefore, in expropriating the landlord to the extent that is now proposed. If hon. Members will agree, clause by clause consideration of the Bill might be taken up now."

(At this stage Mr. Speaker occupied the Chair.)

MR. SPEAKER :—" Have the Government replied? "

THE HON. SRI C. RAJAGOPALACHARI :—" I have tried, Mr. Speaker to reply to some points raised by hon. Members. I have not covered the whole ground. Of course the Hon. Minister for Law will reply. I do hope hon. Members will co-operate with us in making the procedure brief."

MR. SPEAKER :—" I think there are some hon. Members who want to speak. (Mr. P. K. Gopalakrishnan was seen rising to speak).

" Let Mr. Gopalakrishnan speak now. The Hon. Minister will reply to the debate afterwards."

* SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, Sir, of course the Hon. Chief Minister was making certain suggestions some of which are no doubt acceptable, though not all. Before I come to the points covered by the Hon. Chief Minister, I want to point out that we are not as a whole characterizing the Bill as a retrograde measure. Our only grievance is that this Bill has not fulfilled our aspirations.

" I find that section 52 (A) of the original Act is now deleted. In its place a new clause is added. The Hon. Law Minister while introducing the Bill had suggested that the new clause would serve the purpose. Let me point out that it is not so. In the proviso to section 52 (A) of the original Act, it is stated, viz.,

' Provided that in cases where the amount secured by the mortgage is in South Malabar less than sixty per cent of the value of the janmi's rights in the holding, and in other places less than forty per cent of the value of such rights, the Rent Settlement Authority shall until the contrary is proved, presume, that the transaction is not one of mortgage.'

This important provision is now removed. In Malabar there are certain peculiar kinds of tenancy. If you look at a particular kind of kanam, in name it may be a mortgage but in reality it is a kanam deed. There is a history behind this. As far back as 1916 when the tenants began to agitate for occupancy rights, the voice of the landlords of Malabar was in the ascendance. The landlords of Malabar changed the kanam deeds into mortgage deeds. Therefore in reality the deeds are kanam deeds and not mortgage deeds, even though superficially they may appear so. Right from the early ages, ever since the landlords of Malabar in 1916 changed their

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kanam deeds into mortgage deeds, the deeds continue to remain the same. Subsequently no change has been effected. But that fact is now lost sight of. The relationship between the two is one of landlord and tenant and not of a mortgagor or mortgagee, because in reality it is only a kanam deed and not a mortgage deed, as is now sought to be shown. In the proviso to section 52 (A) of the original Act it had been definitely laid down that if the amount secured by the mortgage is in South Malabar less than 60 per cent of the value of the janmi's rights in the holding and in other places less than 40 per cent of the value of such rights, the Rent Settlement Authority (it may be the Rent Court now) shall until the contrary is proved, *presume* that the transaction is *not* one of mortgage. I stress the word '*presume*'. That was a valuable provision. That presumption is now removed. We cannot now decide whether a deed is a kanam or mortgage deed. Taking advantage of the non-existence of that important proviso, the landlords can now take the law into their own hands, and gain their own purpose by showing their deeds which appear superficially as mortgages but which in reality are kanam deeds, as I had pointed out before after tracing the historical background behind it. That is why I say this Bill is a retrograde step on the original Act in this aspect. Unless the original proviso to section 52 (A) of the old Act is inserted as a new clause in the present Bill, this present Bill, will not in any way prove to be anything like a beneficial piece of legislation to the tenants even though it is now paraded that the present Bill is intended for bettering the lot of the tenant. I say that unless that proviso is inserted, more than 50 per cent of the tenants in my constituency would suffer. They could not prove that their deeds are kanam deeds. They would be subjected to the cruelties of the landlords. Now the burden of proof rests with the tenant. He has to prove that it is a kanam and not a mortgage. But how can the poor tenant prove it when this valuable proviso to section 52 (A) of the original Act is removed? He is now left in the lurch. When the Government have thought it fit to remove this important proviso, why have they retained the proviso to section 10 of the original Act which says—

'Provided further that in the case of a kanamdar whose kanartham exceeds in South Malabar sixty per cent of the value of the janmi's rights in the holding, and in other places forty per cent of the value of such rights, the kanamdar shall not have fixity of tenure.'

It is also said in respect of a proviso just before this that

'Provided that no tenant of a commercial site shall have fixity of tenure in respect thereof unless immediately before the commencement of the Malabar Tenancy Amendment Act, 1951, he had fixity of tenure in such site or a right to obtain a renewal of his tenancy thereof.'

Not only have the Government removed the important proviso to section 52 (A) of the original Act, which afforded some security for the tenant, but they have retained the above provisos I have pointed out, viz., provisos to section 10 of the original Act. This proviso to section 10 in fact gives the right of eviction to the landlord. He can now evict the tenant whose kanartham exceeds 60 per cent of the value of the janmi's rights in the holding if the holding is situated in South Malabar and he can evict the tenant whose

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kanartham exceeds 40 per cent of the value of such rights in North Malabar. I do not know why this provision is retained and proviso to section 52 (A) is cancelled. I would strongly plead for the restoration of the proviso to section 52 (A) which in fact would give the right of presumption to the Rent Court to assume in case where the amount secured by the mortgage in South Malabar is less than 60 per cent of the value of the janmi's rights and in other places less than 40 per cent of the value of rights, the transaction is not one of mortgage. The majority of the deeds are kanam deeds and if this provision is retained all those deeds could be proved to be kanam deeds.

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" Another point I wish to make is with regard to the arrears of rent due. The Hon. the Chief Minister said that no change in that regard can be made and that six years' rent has to be paid. This means that no tenant will be able to pay six years' rent at a time. All of us are aware that during all these years the crops had been failing continuously on account of the failure of the monsoon and for want of sufficient rains. The tenants were not able to remit the rent. Now the Hon. Chief Minister says that all the six years' rent should be paid immediately. This in effect means that all the tenants are liable to eviction and the relief given to the tenants by one hand by means of some provisions of the Act is taken away by the other hand. Unless the period is reduced to one or two years, or at least to a maximum of three years, no tenant will be benefited by this legislation."

* SRI K. T. SREEDHARAN :—" Mr. Speaker, Sir, I am sorry to say that this Government have not come forward to respect the wishes of the people, more especially of the tenants of Malabar. The cry of the people for the last several years had been to give the tenants fixity of tenure. A fair rent must be worked out and as between the fair rent and the contract rent, the lesser of the two should be implemented. The question of ulkudis is a major issue in Malabar and the people of Malabar are demanding that the ulkudi dwellers must also be allowed fixity of tenure. The Government have not come forward to respond to the wishes of the people on all these major issues and so far the Act has not been progressive. As soon as the general election was over and the first session of the Assembly began in Madras, the M.L.As. of Malabar represented to the Hon. the Chief Minister their ultimate stand in this matter and requested him to bring forth a legislation so that everybody's interest may be safeguarded and public opinion respected. The Hon. Chief Minister was kind enough to say then 'After all, you are all united in this matter. I cannot stand in your way. You will definitely have it'. He assured us that he will consider the whole aspect of the matter and will bring forth a legislation on the lines of the joint memorandum then submitted to him. We waited for long and afterwards the Hon. the Law Minister was good enough to consult us on a draft of the Bill. But we were much disappointed to note that all our joint representations had no effect to bring forth a piece of progressive legislation. We disagreed and ~~also~~ at all the members were unanimous in suggesting a draft

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proposal which the Hon. the Law Minister promised to look into and after making some modifications he promised to bring in a piece of legislation before this House. Again, we had to wait for long and after all this, this legislation is before this House for discussion.

"As hon. Members who had spoken previously had pointed out, the Bill now presented to this House is not and cannot be acceptable to the people of Malabar, especially to the tenants. The fact that even Members from the Congress side have also given dissenting minutes goes to show that all shades of public opinion in Malabar are in agreement on the major issues, namely, fixity of tenure for the tenants, fixation of fair rent and the rights of ulkudi dwellers. So I am really surprised why this Government is taking this stiff attitude when all shades of opinion are definitely in favour of the suggestions made by the opposition. It is high time that the Government decide to accept the modifications suggested by all the members that have spoken on this subject. I am glad that the Hon. Chief Minister has met half way the suggestions made by some members. I hope he will consider still further and adopt some reasonable measures. I do not want to take much time. I once again request the Hon. the Minister for Law to accept the reasonable modification that are suggested by the Opposition members. I thank you, Sir, for giving me an opportunity to speak."

* SRI M. CHADAYAN:—"മിസ്റ്റർ സ്പീക്കർ, സാർ, വളരെക്കാലമായി മലബാറിലെ നല്ലതരം ലക്ഷം ജനങ്ങൾ ഉറപ്പുനോക്കിക്കൊണ്ടിരിക്കുന്ന മലബാർ കടിയായ്ക്കു ബിൽ ഈ അസംബ്ലിയുടെ മുമ്പാകെ വന്നിരിക്കുന്നു ഈ അവസരത്തിൽ മലബാറിലെ കടിയായന്മാരുടെ നിയമപ്രദാനം അഭിമാനപൂർവ്വം വേണ്ടതെല്ലാം വകവെച്ചുകൊടുക്കുകയാണ് ബിൽ നൽകുന്നതെന്ന് ആവശ്യം. മലബാറിലെ ബഹുമാനപ്പെട്ട ചില മെമ്പർമാർ കടിയായന്മാരുടെ അവശതകളെ സംബന്ധിച്ച ബില്ലിൽ എന്തെല്ലാമാണ് മാറ്റം വരുത്തേണ്ടതെന്ന് ഇവിടെ സംസാരിച്ചു കഴിഞ്ഞു. ഉൾക്കടിയൽ താമസിക്കുന്നതിൽ ലഭിക്കാത്ത ജനവിഭാഗം (5 ലക്ഷത്തോളം) ഹരിജനങ്ങളാണ്. സെലക്ട് കമ്മിറ്റി ഉൾക്കടിയൽ താമസിക്കുന്നവരുടെ ഹാജരായി മൂന്നു കൊല്ലമെന്ന ബില്ലിൽ ചേർത്തിട്ടുണ്ടെങ്കിലും ബഹു: ചീഫ് മിനിസ്റ്റർ ഇപ്പോൾ അതു ഒരു കൊല്ലമാക്കിയതിൽ ഞാൻ അദ്ദേഹത്തെ പ്രത്യേകം അഭിനന്ദിക്കുന്നു. ഹരിജനങ്ങളും backward മുസ്ലിംകളും ആണ് അധിക ഭാഗവും ഉൾക്കടിയൽ താമസിക്കുന്നത്. അവർക്കുവേണ്ടി ഈ കടിയാർ ബിൽ എന്തെങ്കിലും തരത്തിൽ വ്യവസ്ഥ ഉൾക്കൊള്ളിക്കണമെന്നുള്ളതിനെ സംബന്ധിച്ച മലബാറിലെ ഹരിജനങ്ങളിൽനിന്നു എനിക്ക് അനേകം ഹരജികൾ ഇവിടെ കിട്ടിക്കൊണ്ടിരിക്കുന്നു. ഹരിജനങ്ങൾ ഉൾക്കടിയൽ താമസിക്കുന്ന സ്ഥലങ്ങൾ കുറിയ്ക്കുകയും കഴിപ്പിക്കാൻ പാടില്ലെന്ന് ഒരു വ്യവസ്ഥയ്ക്കു ഈ ബില്ലിൽ ചേർക്കുന്നത് ഞാനാഗ്രഹിക്കുന്നു.

"രണ്ടാമത്ത്, കൃഷിക്കാർ വളരെക്കാലമായി വളരെ ബുദ്ധിമുട്ടുകൾ അനുഭവിക്കുകയുണ്ടായിട്ടുണ്ട്. അധികം വേരുടേയും വീടും പറമ്പും പണയത്തിലാണ്. അതുകൊണ്ട് കൃഷിയിൽ കൈവശമുള്ള കടിയായന്മാർ രീതി രീതികൾ പാടില്ലെന്ന് ബില്ലിൽ വ്യവസ്ഥ ചെയ്യണം. ചിലർ പാട്ടായി തരിശുഭൂമികൾ നാലോ അഞ്ചോ കൊല്ലത്തേയ്ക്ക് കടിയായന്മാർ ചാത്തുനടക്കുകയും ആ സ്ഥലത്ത് അവർ പണവും അദ്ധ്വാനവും കൊണ്ട് അനുഭവങ്ങൾ അധികം ഉണ്ടാക്കിയിട്ടുണ്ട്. പാട്ടം നോക്കി നിശ്ചയിക്കുന്ന വ്യവസ്ഥ ബില്ലിൽനിന്നു ഏകദേശമായേയ്ക്കുള്ളൂ. അതുപ്രകാരം ജനിയോടു കൃഷി സ്ഥലം കഴിക്കാത്തതിന്നു ചാത്തിവാങ്ങി കടിയായന്മാർക്കു കഴിക്കുന്നതിനെ അനുവദിക്കുകയും അതിനെ അനുവദിക്കുന്നു. നോക്കി നിശ്ചയിക്കുന്ന വ്യവസ്ഥ ബില്ലിൽനിന്നു

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[Sri M. Chadayan]

[7th January 1954]

എടുത്തുകയറണം. മലംപ്രഭുക്കൾ വെട്ടിത്തെളിച്ച കരമുക്ക് കൃഷിയെപ്പറ്റുന്ന കടിയാൻ പത്തിന് രണ്ടേ ഒരു വ്യവസ്ഥ ബില്ലിൽ കാണുന്നുണ്ട്. അത് പത്തിന് ഒന്നാക്കി കുറയ്ക്കണമെന്ന് ഞാൻ അപേക്ഷിക്കുന്നു.

“മലബാറിൽ ഏറനാട് താലൂക്കിലുള്ള കൃഷിക്കാർ കൃഷിയിൽ വന്ന നഷ്ടംകൊണ്ട് അവരുടെ സ്വത്തും പറമ്പും കടത്തിലാണുള്ളത്. കൃഷിയെപ്പറ്റുന്ന നീക്കിവച്ച സാധ്യ വളരെ കുറവാണ്. അതു കുറച്ചുകൂടി വർദ്ധിപ്പിച്ചുകൊടുക്കേണ്ടതാണ്. മലബാറിന്റെ നാനാ ഭാഗങ്ങളിലുള്ള 90 ശതമാനം വരുന്ന കടിയാന്മാർ പ്രത്യേകമായ അനുകൂല ഞാൻ ലഭിക്കാതെ 10 ശതമാനം വരുന്ന ജന്മിമാർക്ക് അനുകൂലങ്ങൾ ചെയ്യുകൊടുക്കുകയാണെങ്കിൽ, കടിയാന്മാർ വളരെക്കാലമായി അഗ്രഹിച്ചിരുന്ന ഒരു ബില്ലുകൊണ്ട് കടിയാന്മാർക്ക് രക്ഷയില്ലെന്നുവന്നാൽ, കോടതികളിൽ കേസ്സുകളും കലാപങ്ങളുമായിരിക്കും ഉണ്ടാകാൻ പോകുന്നത്. ഈ ബില്ല് നെലട്ട് കമ്മിറ്റിയിൽ വരുന്ന വെനാറിന്റെ ഉടനെതന്നെ എത്രയോ ജന്മിമാർ കോടതികളിൽ അന്യായം തത്യാക്കി കൊടുത്തുകഴിഞ്ഞു. ഈ ബില്ലിലെ വ്യവസ്ഥയനുസരിച്ച് ചിലതരം കടിയാന്മാരെ ഒഴിപ്പിക്കണമെന്നു കാണുന്നു. ജന്മികളുടെ രക്ഷയ്ക്കുവേണ്ടി ഈ ബില്ലിൽ പലതും ഉൾപ്പെടുത്താൻ ജന്മിതാപ്തങ്ങൾ ശ്രമിക്കുന്നുണ്ട്. അതുകൊണ്ടാണ് ഞാൻ പറയുന്നത് ഭൂമി കൈവശമുള്ള യാതൊരു കൃഷിക്കാരനെയും തീരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്ന ഒരു വ്യവസ്ഥ വന്നാൽ മാത്രമേ കൃഷിക്കാർക്ക് രക്ഷയുള്ളൂ എന്ന്. അല്ലെങ്കിൽ കടിയാന്മാർക്ക് അനവധി ബുദ്ധിമുട്ടുകളും ഉപദ്രവങ്ങളുമുണ്ടാകും. ഞാൻ മലബാറിലെ ഒരു ചെറിയ കടിയാനാണ്. 1946-ൽ എന്റെ ഒഴിപ്പിക്കാൻ ജന്മിതാപ്തനായ കോടതിയിൽ അന്യായം കൊടുത്തതിന്റെ ഫലമായി എന്റെ ഒഴിപ്പിക്കുവാൻ വിധിയുണ്ടാവുകയാണ് ചെയ്തത്. കേസ്സിനുതന്നെ എനിക്ക് നാലായിരം ഉറപ്പികയോളം ചെലവായിട്ടുണ്ട്. ആ കേസ്സു ഇപ്പോൾ ഒരിക്കലി ഫൈനലൈസേഷനിൽ നില്ക്കുകയുണ്ട്. അതുകൊണ്ട് ഞാൻ എന്റെ അനേകവർഷത്തിനിന്നാണ് പറയുന്നത്, കടിയാന്മാർക്ക് നൽകുന്ന വ്യവസ്ഥകൾ വേണം അതുകൊണ്ട് ഈ ബില്ല് ഉൾപ്പെടുത്താൻ. കൃഷിക്കാർ യാതൊരു കാരണവശാലും ഒഴിപ്പിക്കാൻ പാടില്ലെന്നതന്നെ വ്യവസ്ഥ ചെയ്യണം. നാല്പത് ഉറപ്പിക നികത്തി കൊടുക്കുന്ന ഭൂമിയിൽനിന്നു ജന്മി 600 ഉറപ്പികയോളം പാട്ടം വാങ്ങുന്നുണ്ട്. കടിയാന്റെ രക്ഷമാണ് ജന്മി ഉറപ്പിക്കുകയെന്നത്. അതു ഈ ബില്ലുകൊണ്ട് അവസാനിപ്പിക്കുകതന്നെ വേണം. അതുകൊണ്ട് എനിക്ക് ഗവണ്മെന്റിനോടും, ബഹുമാനപ്പെട്ട സഭയോടും അപേക്ഷിക്കാൻ ഉള്ളൂ. ബുദ്ധിപൂർവ്വം നാനാവശങ്ങളും പരിഗണിച്ചു കടിയാന്മാർക്ക് അനുകൂലമായി ഈ ബില്ല് പാസ്സാക്കണമെന്നാണ്. ഉൾക്കടികളെ സംബന്ധിച്ചിടത്തോളം ഒരു കൊല്ലമെന്നത് അത്ര മാത്രമെന്ന് വ്യവസ്ഥ ചെയ്യണമെന്നും ഞാൻ അപേക്ഷിക്കുന്നു. ഞാൻ കാണുന്ന കോടതി റേറ്റ് താലൂക്കിലും ഉൾക്കടികൾ വ്യവസ്ഥ നടപ്പിലാക്കണമെന്ന് ഞാൻ അഭ്യർത്ഥിക്കുന്നു.”

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P.m.

*SRI E. T. KUNHAN:—“മിസ്റ്റർ സ്പീക്കർ, സർ, ഏറനാടുകാലത്തായി ഫോറം ചിലിയും കടിച്ചു കയ്യാക്കുന്ന കൃഷിക്കാർ അവർക്ക് ആശ്വാസം നൽകുന്ന ഒരു ബില്ലിനുവേണ്ടി എത്രയോ കാലമായി ആശിച്ചുകൊണ്ടിരിക്കുകയായിരുന്നു. കോൺഗ്രസ്സ് ഗവണ്മെന്റ് അധികാരത്തിൽ വന്നതിനുശേഷം ശ്രീ മധവമേനോൻ കൊടുവന്ന ബില്ല് കടിയാൻ ബില്ല് അല്ല ജന്മിബില്ല്. ഈ ബില്ല് മാധവ മേനോൻ വളരെക്കാലം ആലോചിച്ചു തത്യാക്കിയതാണെന്നു പറയണം. പക്ഷെ അത് കടിയാൻ ബില്ല്, ജന്മി ബില്ല്. അതുകൊണ്ടാണ് കൃഷിക്കാരുതന്നെ ഇക്കഴിഞ്ഞ 1952 ലെ തിരഞ്ഞെടുപ്പിൽ മാധവമേനോനെ ആട്ടിത്തളിച്ചു വായനാടൻ മല കയറിയത്. അവിടെനിന്നും കത്തിച്ചാടിച്ചു തോല്പിച്ചത് കൃഷിക്കാരുന്റെ ബില്ലാത്തതുകൊണ്ടാണ്. ശ്രീ മാധവമേനോന്റെ ആ ബില്ല് പിടിച്ചിട്ടിരിക്കുന്നതെന്തെങ്കിലും മലയാളിമന്ത്രി ഒരു നല്ല ബില്ല് കൊണ്ടുവരണമെന്നു പ്രതീക്ഷിച്ചിരുന്നു. പക്ഷെ ഈ ബില്ല് കൃഷിക്കാർ ഏറ്റവും ദോഷമായിട്ടാണ് കാണുന്നത്. ജന്മിമാർക്ക് രക്ഷ നൽകുന്ന ഒരു ബില്ല് ഇതും. മലബാറിൽ ഭൂരിപക്ഷവും ഉൾക്കടികാരാണ്. പ്രത്യേകിച്ചും വൊന്നാനി താലൂക്കിൽ അറുപതു ശതമാനവും ഉൾക്കടികാരാണ്. മൂന്നു കൊല്ലം താമസിച്ചുവെങ്കിൽ സ്ഥിരവകാശമെന്നൊരു കൊല്ലം താമസിച്ചുവെങ്കിൽ സ്ഥിരവകാശമെന്നൊരു ഉള്ളതു മാറി ഇന്നു താമസിക്കുന്നവർക്ക് സ്ഥിരവകാശമെന്നാക്കുന്നു. ഇതിനകത്തന്നെ അനവധി പേരെ ഒഴിപ്പിച്ചുകഴിഞ്ഞിട്ടുണ്ട്. ഈ ബില്ല് പ്രസിദ്ധപ്പെടുത്തിയതിനുശേഷം എത്രയോ ഉൾക്കടികൾ

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കാഴ്ച കഴിപ്പിച്ചിട്ടുണ്ട്. നാട്ടിക ഫക്ടറിൽ എടത്തിരുത്തിയിൽ അയ്യൻ മക്കൾ രാമൻ, അടിയ എന്ന പരിജനങ്ങളുടെ വീടിന്നു സ്ഥലം വാലും കിട്ടിച്ചു നിരത്തി കടിയറക്കി എന്നൊരു ഹരജി ജൂഡീടെ എന്നിങ്ങ കിട്ടിയിരിക്കുന്നു.

“ഇങ്ങിനെ എത്ര ഉദാഹരണങ്ങൾ വേണമെങ്കിലും പറയാനുണ്ട്. തിരൂരിൽ കട വയ്ക്കു വടിക്കൽ കോത എന്നൊരു ഹരിജനെ കടിയൊഴിപ്പിച്ചിട്ടുണ്ട്. അവന്റെ വീട്ടുസാമാനങ്ങളും പുറത്തു വലിച്ചെറിഞ്ഞതിനുശേഷം ബലം പ്രയോഗിച്ചാണ് കട കഴിപ്പിച്ചത്. ഇങ്ങിനെ അനവധി കേസുകൾ ഉണ്ടായിട്ടുണ്ട്. അതുകൊണ്ട് ഞാൻ പറയുന്നത് മൂന്നു കൊല്ലമെന്നുള്ളത് ഒരു കൊല്ലമാക്കിട്ടുണ്ടെങ്കിലും അതു ചോദാം. മൂന്നു മാസമെന്നോ ആറു മാസമെന്നോ ആക്കണമെന്നാണ്. ഇതിനകം കഴിപ്പിച്ചിട്ടുള്ള സ്ഥലങ്ങൾ തിരിയെ കിട്ടാനും വ്യവസ്ഥ വേണം. ഇന്നു കൈവശമുള്ള ഉൾക്കടകളെല്ലാം തന്നെ ആ നിയമിത തുടരണം. ഈ ബില്ലു് തെന്താക്കി പ്രഖ്യാപിച്ചിട്ടുള്ളതു 1953 മാച്ച് 28-ാം തീയതിയാണ്. അതിനുശേഷം കഴിപ്പിച്ചവ ക്കെല്ലാം തിരികെ കൊടുക്കുവാനുള്ള വ്യവസ്ഥകൂടി ഉൾപ്പെടുത്തണം. ജന്മിമാരുടെ ഒരു മുഖ്യ പ്രവൃത്തി താഴെ പറയും വിധത്തിലാകണം. ഒരുവന്നു ആദ്യം ഒരു സ്ഥലം കൊടുക്കണം. അവിടം അവൻ കഴിക്കുവെല്ലാം വച്ചു നന്നായി വരുമ്പോൾ വേറെ ഒരു പറയ് കൊടുക്കണം. അതു നന്നാക്കി കഴിക്കു് ഉണ്ടാക്കി വരുമ്പോൾ മറെറായ പറമ്പിലേക്കു മാറിക്കൊ എന്നു പറയും. ഇങ്ങിനെ മാറിമാറി വരുന്നതുകൊണ്ട് ഒരു കൊല്ലമെന്നോ മൂന്നു കൊല്ലമെന്നോ വച്ചതുകൊണ്ട് യാതൊരു പ്രയോജനവുമില്ല.

“മറെറൊരു പറയാനുള്ളതു കൃഷിക്കാരുടെ പാട്ടുബാക്കിയെ സംബന്ധിച്ചാണ്. ആറു കൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നാണ് ബില്ലിൽ പറയുന്നത്. അതുകൊണ്ട് തന്നെയാണ് പറയുന്നത് ഈ ബില്ലു് കടിയൊഴിപ്പിച്ച ബില്ലല്ല, ജന്മിയുടെ ബില്ലാണെന്നു്. പാട്ടം കൊടുത്താൽ രണ്ടോ മൂന്നോ പറ ബാക്കി വന്നാൽ ജന്മി പറയും മൂറി പറന്നു കൊടുക്കാമെന്നു്. കൊടുത്ത സംഖ്യക്കു രശീതി കൊടുക്കുകയല്ല. അങ്ങിനെ അനവധി കേസുകളുണ്ട്. ഞാൻതന്നെ അനുഭവസാന്നാണ്. പാട്ടം കൊടുത്താൽ ചില പ്ലോൾ രശീതി കൊടുക്കുകയല്ല. എനിക്കുങ്ങനെ പററിയിട്ടുണ്ട്. ഒടുവിൽ കോടതിയിൽ കേസ് കൊടുത്തപ്പോൾ കോടതി വകവച്ചു തന്നില്ല. ആറു കൊല്ലം എന്നുള്ളത് ഒരു കൊല്ലമായിട്ടുകിലും കുറയ്ക്കണമെന്നാണ് ഞാൻ അഭ്യർത്ഥിക്കുന്നത്.

“മറെറൊരു, പറയട്ടെ കൊല്ലം കൈവശമുണ്ടായിരുന്ന കൃഷിക്കാർക്കു സ്ഥിരാവകാശം കൊടുക്കുമെന്നു ബില്ലിൽ കാണുന്നുണ്ട്. അതു ഒരു ആറു കൊല്ലമെന്നാക്കി തിരിഞ്ഞിയിട്ടുണ്ട് എന്നു പറയണം. അതു മറിവ് മൂന്നു കൊല്ലമെങ്കിലും ആക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. കൃഷിക്കാർക്കു ഗുണമുള്ള ഒരു ബില്ലാകണമെങ്കിൽ മൂന്നു കൊല്ലമാക്കുതന്നെ വേണമെന്നു പറഞ്ഞുകൊണ്ടു ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

* SRI KUNHI MOHAMED SHAFEE :—“ Mr. Speaker, Sir, the main issues that have to be considered when we discuss the Malabar Tenancy Bill are giving fixity of tenure to tenants and the fixation of fair rent. Provision has been made in the present Bill for giving fixity of tenure. As far as eviction is concerned, it is provided that no eviction should be allowed unless it be that the janmi requires the land *bona fide* for the purpose of raising crops for his own maintenance or for the maintenance of any member of his family. But in the matter of construction of building a loophole as provided by allowing the janmi to apply for eviction if he wants his land for the construction of a building for his own residence. That loophole should be removed.

“ There is another loophole under which janmis are likely to evict the tenants and put them to a lot of suffering. It is provided in the present Bill that a transferee can sue for the eviction of his tenant after two years from the date of the instrument of transfer. Our experience in Malabar is that if any provision is made for

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p.m.

[Sri Kunhi Mohamed Shafee]

[7th January 1954]

giving the janmi the right to evict his tenant, that provision is always misused or abused and undue advantage is taken by the janmi by transferring his land to his dependants or relatives. That loophole also must be removed.

"As far as clauses 5 and 6 of sections 14 and 20 of the Act are concerned, a distinction is made between the requirement by a janmi of his own land for constructing a building under clause 6, for his own residence and for personal cultivation under clause 5 for meeting his primary needs. Both these must be treated alike.

"At the time of every renewal, the janmi in Malabar used to enhance the rent. Now the rent has reached the maximum, so to say, and the tenant cannot afford to pay more. What we in Malabar want is that there should not be any enhancement of the present rent. But I am of opinion that as a compromise we may accept the concessions announced by the Hon. Chief Minister, because they go a long way to relieve the tenants from the hardships which they have been experiencing. I hope the tenants will avail themselves of those concessions and be very grateful to the Government. Our main object is that there should be contentment and good relationship between janmis and tenants and that the delightful district of Malabar should be put on the road to prosperity and happiness."

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p.m.

* SRI O. KORAN :—“സാർ, മലബാറിലെ ജനങ്ങളെ സംബന്ധിച്ചിടത്തോളം അതിപ്രധാനമായിട്ടുള്ള ഒരു നിയമമാണ് ഈ നിയമസഭയിൽ ആലോചന നടന്നിട്ടുള്ളത്. എനിക്ക് ഈ സഭ മുതലാകെ കൊണ്ടുവന്നിട്ടുള്ള പ്രധാന സംഗതികൾ മറ്റു പല ബഹുമാനപ്പെട്ട മെമ്പർമാരും പറഞ്ഞുകഴിഞ്ഞുവെങ്കിലും ഉൾക്കടിയെ സംബന്ധിച്ചും മറ്റും എനിക്ക് ചിലതു കൂടി പറയാനുണ്ട്. ഈ നിരമത്തിന് അതിപ്രധാനമായത് കൃഷി കാരണ സ്ഥിരാവകാശം, ജ്യോത്സ്യം നിയമങ്ങൾ, ഉൾക്കടിയുടെ കൃഷിയിടത്തിന്റെ രൂപം എന്നീ കാര്യങ്ങളാണ്. ഈ കാര്യത്തിന് മറ്റൊരു വശത്തു പോലും മെമ്പർമാരായ വ്യവസായികളിൽനിന്നും ഗവണ്മെന്റ് വ്യതിചലിച്ചതുപോലെ കാണുന്നുണ്ട്. ആദ്യത്തെ നിയമത്തിൽ ഫോട്ട് കൊച്ചിയിൽ ഉൾക്കടിയെ സംബന്ധിച്ച യാതൊരു കാലപരിഗണനയും വകവെക്കാതെ സ്ഥിരാവകാശം നൽകണമെന്നായിരുന്നു. എന്നാൽ ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതികൊണ്ട് യാതൊരു മെമ്പറും ഉണ്ടാകാൻ പോകുന്നില്ല. ഫോട്ട് കൊച്ചിയിലുള്ള പരിതഃസ്ഥിതികൾതന്നെയാണ് മലബാറിലെങ്ങും ഉള്ളത്. മലബാറിൽ കാലം നിയമിച്ചുകൊണ്ടുള്ള ഒരു നിയമം കൊണ്ടുവരുന്നതുകൊണ്ട് ഉൾക്കടികളെ കൃഷിക്കാരും മോഹിക്കാരും ഗവണ്മെന്റ് ജന്മിമാർ സൊകുട്ടുമുണ്ടാക്കിക്കൊടുക്കുകയാണ് ചെയ്യുന്നത്. ഫോട്ട് കൊച്ചിയിൽ കൊടുത്തിരുന്ന വ്യവസ്ഥ എന്തുകൊണ്ട് കാലപരിഗണന കൂടാതെ മലബാറിലും നടപ്പിൽ വരുത്തിയതും എന്ന് ഞാൻ : മറ്റൊരാൾ പറയുന്നില്ല. അടിസ്ഥാനപരമായ ഒരു കാര്യത്തിൽ, അഹോരാത്രം പാട്ടുപെട്ട പണിയെടുക്കുന്ന സാധുക്കളായ ഉൾക്കടികൾക്കു ഗുണപ്രദമായ ഒരു നിയമം നടപ്പിൽ വരുത്താൻ ഗവണ്മെന്റ് എന്തിന് മടിക്കണം? ഉൾക്കടികൾക്കു സ്ഥിരാവകാശം നൽകാനുള്ള വ്യവസ്ഥകൾ ഉൾക്കൊള്ളിക്കാൻ മടിക്കണമെന്നത് അക്കുറവുമായ ഒരു പരാധീനതയാണ്. ഇക്കാര്യങ്ങൾ ഗവണ്മെന്റ് വേണ്ടപോലെ പരിഗണിക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

“ഈ നിയമം വരാൻപോകുന്നുവെന്നു കേട്ടതോടുകൂടി നിർബന്ധിച്ചു കച്ചിട്ടു എഴുന്നിട്ടു മറ്റും ഉൾക്കടികൾക്കു പുറത്തുള്ളതൊന്നിലും കയറാൻ. സാർ, മലബാറിനെ കൊലചെയ്യുന്നതു കണ്ടുനിന്ന കട്ടിക്ക് കേസു കൊടുക്കാനോ തെളിവു വിജ്ഞാപനം പോലും സാധ്യമല്ലാത്ത ഒരു നിലയിൽ ജന്മിമാർ പിടിച്ചുപറ്റിക്കിട്ടിരിക്കുന്ന ഒരു പരിതഃസ്ഥിതിയാണ് അവിടെ ഉള്ളത്. ഗവണ്മെന്റ് ഇക്കാര്യങ്ങൾ മേന്മയോടെ പരിഗണിക്കുമെന്നു ഞാൻ ആശിക്കുന്നു.

7th January 1954]

[Sri O. Koran]

“കൃഷിക്കാരന്മാർ സ്ഥിരവകാശം കൊടുക്കുക, പാട്ടം കുറയ്ക്കുക മുതലായ പ്രശ്നങ്ങളെപ്പറ്റി ഇവിടെ പലരും പറഞ്ഞുകഴിഞ്ഞു. ഈ നിയമത്തിൽ ഒരു വ്യവസ്ഥ ഉൾക്കൊള്ളിച്ചാൽ നന്നായിരിക്കും. കർഷകന്മാരിലാളികൾക്കു കുറഞ്ഞ കൂലി നിശ്ചയിക്കുകയും ജോലിസ്ഥിരത നൽകുകയും കൂടി ചെയ്യാൻ കൊള്ളാം. പണ്ടുണ്ടായ ആഴ്ച തടവായി രിൽ നടപ്പിൽ വരുത്താമെങ്കിൽ എന്തു കൊണ്ടും മലബാറിൽ നടപ്പിൽ വരുത്തിക്കൂടാ.

“പാട്ടപ്പറയെ സംബന്ധിച്ചതാണ് മറ്റൊരു പ്രശ്നം. കള്ളപ്പറ വെച്ചു പാട്ടം അളന്നെടുത്തു കടിയാന്മാരെ ദോഷിക്കുന്ന ഒരു ഏർപ്പാട് ജന്മിമാരുടെ ഇടയിലുണ്ട്. അതിനും ഒരു വോട്ടു ചെയ്യണമെന്നു നന്നായിരിക്കും. ജന്മിമാർ വളരെ കള്ളപ്പറയ്ക്കുന്ന വിഭാഗമാണെന്നും മറ്റും ചിലർ പറഞ്ഞുകേട്ടു. നാട്ടുകാരെ പലവിധത്തിൽ വിക്ഷാലിപ്പിക്കുന്ന ഒരു വിഭാഗമാണ് ജന്മിമാർ. കാലമേറേ വീട് കാടിടന്നു മേൽ ജന്മിയുടെ അനുവാദം വേണമെന്നു പറഞ്ഞാൽ അതുകൊണ്ടു മനസ്സിലാക്കാം ജന്മിമാരുടെ നിലപാട്. ഇതിനെല്ലാം പരാവർത്തനം വരുത്തേണ്ടതു് അന്യായവുമാണ്. കോൺഗ്രസ്സ് ഭരണാധികാരത്തിൽ ഇരുന്നതുകൊണ്ടു മലബാറിലെ ഭൂരിപക്ഷം ജനങ്ങളുടെ നിലയെ അവഗണിച്ചു ഒരു നിയമം പാസ്സാക്കുന്നത് ജനായത്തവിരുദ്ധമാണ്. കാലത്തിന്റെ ഗതിയനുസരിച്ചു രാജ്യത്തെ മുന്നോട്ടു കൊണ്ടുപോകാൻ ഗവണ്മെണ്ടു ശ്രമിക്കണമെന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു. അതിന്നു മലബാറിലെ വ്യവസ്ഥിതിയിൽ അടിസ്ഥാനപരമായ മാറ്റങ്ങൾ വരുത്തുകയാണ് ആവശ്യമെന്നു പറഞ്ഞുകൊണ്ടു ഞാൻ അവസാനിപ്പിക്കുന്നു.”

* SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Speaker, Sir, I would have been the most fortunate and happy man if I had been in a position to sign the Report of the Joint Select Committee without recording a dissenting minute. But it was most unfortunate, I would say, that the persuasions, the arguments and the fight—fight in the sense for issues that we raised in the Joint Select Committee—were not fully fruitful as far as the demands of the peasantry of Malabar were concerned. To-day, the position in Malabar is such that the peasant problem, the agrarian problem, the *kudiyan prasnai*, is not a party question. It is above parties. It has become a national question. That is the reason why even—I say ‘even’ with emphasis—some of the Congress M.L.As., the whole of the Praja-Socialist Party Members, the Muslim League Members and, of course, we, the Communist Members, are unanimous that certain immediate and burning issues should be solved here and now. We do not expect here and now from this Government a radical and basic solution of the agrarian problem, but some burning issues have to be solved. It is for that that we pray.

2-10
p.m.

“ With regard to the fixation of fair rent, all of us unanimously argued that the principle of contract rent or fair rent, whichever was less, should be adopted. It is argued on the contrary that it will not be fair to all and that the Government will have to be fair to the janmis. On the question of making the tillers of the soil the owners of the soil and making the owners of the soil the tillers of the soil, I would most humbly suggest that the tillers of the soil should not be made the beggars of the soil. Why I say so is this. The argument that some 20,000 cases have already been filed in the Courts and that the peasantry have already deposited the arrears of rent due so far is baseless. I personally know that in thousands of cases the peasants have mortgaged everything that they had, houses, buffaloes, household utensils, etc. Even then, they have

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got a lot of debts. Out of lakhs and lakhs of peasants, it is only 16,000 peasants that have paid the arrears of rent. Even there all the peasants who were dragged to courts were not compelled to pay by certain courts. I do not know the reason for it. In certain courts only two years' rent was asked to be deposited. Now, the Government claim that fixity of tenures given in this Bill to the peasant to a certain extent. There is a provision in the Bill that failure to pay the arrears of rent is one of the *bona fide* reasons for which the tenant can be evicted. That means what the Government are giving with one hand, that is, fixity of tenure, is being taken away by the other hand.

12-50
P.m.

“ The landlords who are bent upon evicting tenants under some pretext are doing so without any justice and peasants are becoming landless wage-earners. That is what is happening to-day. Thousands and thousands of peasants are being evicted and have become mere agricultural labourers and the landlords' monopoly has increased. Unless and until the tenants are given some protection, this Bill will not be beneficial to the tenants to the expectation of the Hon. Chief Minister which he claims as well as that of the people. The arrears of rent must be wiped out. In 1938, Sri C. Rajagopalachari, who was also the Chief Minister then was convinced of the fact that the wiping out of arrears was a dire necessity and with this end in view he brought forward a provision to the effect that if two years' arrears of rent were paid all the other arrears must be deemed to have been paid. But in 1954, after two world wars, the same Sri Rajagopalachari says that six years' arrears of rent has to be paid. May I humbly ask him whether the material condition of the peasantry of Malabar has changed to-day. I may respectfully submit that it has not. Unfortunately, only the Chief Minister has changed. The condition of the peasantry in Malabar is the same in 1954 as it was in 1938 and even worse. The Hon. Chief Minister is not convinced of the need to relieve the poor peasants of their sufferings. I request the Hon. Chief Minister to be kind enough to reconsider the matter and see that the arrears of rent are wiped out, or at least let him agree to providing that one year's arrears may be paid and the other years' arrears may be wiped out. Otherwise, this Bill will not be beneficial to the peasants of Malabar.

“ With regard to pepper gardens, under the existing provisions, in respect of tenants' vines in garden lands, one-eighth of the produce is the fair rent. In the case of dry lands cultivators have to spend quite a lot of money. Even in the Kuttikrishna Menon Committee's report, which I have here, but have no time to read on the floor of the House, it is definitely stated that the expenditure on dry lands was very heavy. The cultivators of dry lands have to incur a lot of expenditure on labour. So, as these dry lands are very much inferior to garden lands, the fair rent must be a lesser proportion and certainly it should not be more than one-eighth.

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In the name of fairness, the owners of the soil are sought to be made the tillers of the soil. But we only want that the actual tillers of the soil should not be driven out of the land and should not be made beggars. In short, let not the owners become tillers at the cost of the actual tillers. There are poor landlords, I agree. They want homesteads to live in. Provision will have to be made for such people. We are not against such provisions. It is the very reason why we say that a minimum acreage will have to be fixed. Even if we say that six years' time will be given, it will not benefit these people. Because, so many thousands of people will be affected and so many artificial records will be created. That is why I say that a minimum acreage has to be fixed. Fix it as 5 acres. To that effect, we have given an amendment. Unless our amendment in this regard is incorporated, I am sure, this Bill will not at all benefit the poor people.

"Sir, in the name of non-interference, the Government say that the wholesome principle of adopting whichever rent was less, cannot be accepted. In my humble opinion, it is a wrong view that the Government have taken. It is the bounden duty of the Government to interfere in the best interests of a large section of poor people. It is the bounden duty of the Government to come and help weaker section of society, viz., the peasantry. They must interfere in the matter in the interest of the majority of the poor people. That is human justice. I request the Hon. Chief Minister to look into the matter and see that justice is meted out to the poor peasants so that they are not compelled to pay a higher rent than the one that they are paying now.

"With regard to the waste land question, I can give statistics so far as North Malabar is concerned. This place is shown as a deficit area. Why is it a deficit area? Because, the poor peasants are not able to apply the necessary manure to the lands and carry out other necessary improvements to the land, as rack-renting is rampant in that area. In the face of such heavy rack-renting, the peasants cannot be expected to be rich enough to apply the necessary manure to the lands. As a matter of fact, nearly 4 or 5 crores of rupees are being paid to the landlords of Malabar by the poor cultivating tenants by way of rent. These people pay such a heavy rent which is very excessive and which is very much higher than the rent paid by similar tenants in other parts of the State. The landlords do not pay even a single pie towards providing the necessary irrigation facilities. If the rent is reduced as suggested by us, some money will be saved by the poor peasants and that money can be utilized by them to purchase good cattle, fertilisers and manure and better conditions will prevail. This will naturally result in increased production of foodgrains. I request the Hon. Chief Minister to be kind enough to consider our amendments and our views on the various points and accept our amendments so that thousands of poor peasants of Malabar may be saved from the clutches of starvation, death, poverty and misery."

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MR. SPEAKER :—“ Before I call upon the Hon. Minister for Law to reply to the debate, I have to announce that amendments to the South Kanara Cultivating Tenants Protection Bill, 1954, and the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, will be received in the office till 9 o'clock to-morrow.”

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Mr Speaker, I am thankful to hon. Members for the suggestions they have made on the floor of this House. Sir, reference was made to certain incidents in the elections. It is not as if I am not in a position to answer them. But I think it is out of place for me to answer them here.

“ When I undertook to pilot this Bill, I knew that this is a difficult Bill and that all sorts of propaganda will be there and I will have to face it. I did it, because I knew Malabar was suffering and I also knew that in spite of the difficulties that I may have to encounter, it was my duty to see that those difficulties were removed.

“ The position of Malabar as far as the agricultural owners are concerned is very peculiar. There are about 4,13,000 pattadars of whom about 1,91,311 are persons who hold less than 10 cents of property. Those who hold more than 10 cents and within 1 acre are 2,34,854. These persons are called the landlords of Malabar and as such, difficulty arises in taking up agrarian reform legislation in Malabar.

1 p.m. “ But the cultivator has to be protected. The petty owners of land have to be given their share of the produce. These are the troubles the Government have to face in Malabar. There is another handicap also as far as Malabar is concerned. That is in respect of each holding there are, on an average, five persons who live on the income from the holding. Therefore, it is not easy to exterminate all the intermediaries. About a fourth of the population of Malabar will have to be exterminated if we do so. That is why the Government have always been considering how best to carry out remedies to the evil of tenures without disturbing a large section of the population. It is true that the agrarian trouble started as early as 1880. But after the 1930 Act was passed, there was not much of difficulty and a perusal of the report of the Kuttikrishna Menon Committee will show that the landlord and the tenant were pulling together. The relationship was good and there was no trouble. It was only after the 1951 Act was passed—unfortunately, I would say, on the eve of the general elections—there was lot of propaganda against it. After that, there has been considerable trouble. Suits filed in 1946 have been stayed and as much as four years' rent has been deposited in courts. Even after the 1951 Act was passed, the suits could not be disposed of because the Act itself did not come into effect. All these things prompted me to see that some land legislation was resorted to be remedy the defects. The most outstanding consideration which prompted the

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Government to take up this question urgently was fixity of tenure to Ulkudis because residence is the most essential thing which a man needs. Strictly speaking, it may not come under any tenancy legislation and even the Kuttikrishna Menon Committee did not recommend it. Yet, we felt that the Ulkudi-holders should not be disturbed and as such, we want to give them as much protection as could be given. It is not possible to do away completely with the provision requiring one year's minimum residence because, if we do it, it is doubtful whether we will be acting according to the provisions of the Constitution. Then, Sir, the ulkudi in Fort Cochin is different from the one in Malabar. The ulkudi in Fort Cochin bears a high incidence of rent which is not the case with Malabar ulkudis. If we apply the same principles to Malabar ulkudis as we do in the case of Fort Cochin, then we will be depriving the ulkudi-holders of Malabar the advantages that they have been having till now. That is why we have made a distinction between the two. I am sure that we have done what is possible under the circumstances in respect of ulkudis.

“Fixity of tenure is another thing which is more important, as far as any tenancy legislation is concerned. It was granted in the 1930 Act. It was modified in the 1951 amending Act. Now we have gone further and have placed some more restrictions on the landlord in requiring the land for *bona fide* cultivation. You will be surprised to hear, Sir, that before Mr. Madhava Menon took up the amending Act of 1951, the question was ‘what was the limit to be placed on the landlords requirements?’ We have to congratulate Mr. Madhava Menon on giving a switch over to this question and making it that ‘the tenants’ needs should be taken into consideration and not the landlords’ needs’. In the Kuttikrishna Menon Committee’s Report, Mr. E. M. Sankaran Nambudripad recorded a minute of dissent. Even in that dissenting minute, he says that the landlord should be left with 20 acres of land and the tenant should be given five acres. The Government have been going ahead of this suggestion. The Congress has been trying to meet the demands of the people of Malabar and so, now, we have provided that persons who have been in occupation for six years should not be evicted even for *bona fide* cultivation by the landlord. There is a distinction between clauses 5 and 6 of sections 14 and 20. Reference was made to these sections by certain Members of the House and it was said that there should be no distinction between the two. The Government are keeping that distinction because sub-clause (6) of sections 14 and 20 deals with the primary need of the landlord to acquire a plot to build a house of his own. We can deprive him of the enjoyment of his land but we cannot deprive him of his right to get his land back for building a house for residential purposes. That is why the distinction is made. I feel that it should be retained.

“Hon. Members were saying that the cultivation expenses worked out to be more than fifty paras. Some said it was more than forty paras. But the fact is that nowhere it is more than 1-10 P.M.

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twenty-two paras. Mr. Kuttikrishna Menon's Committee went into this question thoroughly. They got about five hundred memoranda. They examined about hundred witnesses. Mr. E. M. Sankaran Nambudripad in his dissenting minute claims only twenty-five paras as cultivation expenses."

SRI C. H. KANARAN :—" That was at that time."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I am not aware whether the question of seed has become more costly or the expenses have become more since then. I can understand it if it is adjusted in terms of money. But it is in terms of paddy and I think when estimated in terms of paddy, twenty-five paras is reasonable.

" Regarding the portion to be shared between the landlord and the tenant in respect of paddy, of course it should be half and half. That is the principle which Mr. Sankaran Nambudripad had laid down in his dissenting minute. I claim, Sir, that if I am conservative, as the Opposition has said I would be as conservative as Mr. E. M. Sankaran Nambudripad. (Laughter.)

" Regarding ' garden land ', the share which the tenant is entitled to has been fixed according to the enquiries made by that committee. Not a word complaining against the rate fixed by the committee is to be found in any one of the dissenting minutes. It is now complained that the principle laid down by that committee is too vague and that it is beyond the capacity of the tenant to pay. But no member of that committee has appended in his minute of dissent any remark about it. I am one of those who has absolute confidence in the work of Mr. Sankaran Nambudripad. He is an intellectual genius of Malabar and unless and until he is fully convinced of what he should say, Mr. Nambudripad will not say anything. The mere fact that he has not mentioned anything against the principle laid down by the committee in respect of sharing of produce in garden lands is proof of the fact that Mr. E. M. Sankaran Nambudripad has accepted the principle laid down by the Committee. Otherwise he would have made mention of it in his dissenting minute.

" I shall now come to ' pepper cultivation '. Hon. Members should realise that whereas in the Act of 1951 the pepper-share was fixed at 1/5th, we have now made it into 1/6. In this respect also Mr. Sankaran Nambudiripad claims the rent which a tenant is entitled to pay in respect of pepper cultivation, as 1/6. We have now incorporated in this Bill what Mr. Sankaran Nambudripad had laid down."

SRI T. C. NARAYANAN NAMBIAR :—" On a point of Order, Sir. The Hon. Minister for Law has all along been referring to the hon'ble Mr. Nambudripad . . ."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Nambudripad was not a Minister."

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SRI T. C. NARAYANAN NAMBIAR :—“ He was an hon. Member of the then Legislature. The Hon. Minister for Law has been frequently referring to Mr. Sankaran Nambudripad. Let it be understood that Mr. Sankaran Nambudripad was a Member of the previous Select Committee and not a Member of the present Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953.”

MR. SPEAKER :—“ Is it a point of order.” (Laughter.)

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“ Sir, I will be able to convince, item by item, the justness of the stand taken by us and how the Government have gone far ahead in this Bill in the matter of tenancy reform in Malabar. Of course, hon. Members in the Opposition had characterised this as a retrograde step. It is not true. Sir, I have got certain disadvantages in bringing forward this legislation. I have also to consider that when we bring in this measure, we do not go beyond the Constitution. We should remember that we should not allow the fundamental rights guaranteed to each citizen of India under the Constitution, to be nullified by a tenancy legislation. Our only wish in bringing this Bill is to bring in some sort of measure which will benefit the tenant and give him some fixity of tenure. That has been granted now.

“ I shall now come to the question of fair-rent and contract rent. Hon. Members had complained that we have removed the provision in the original Act by which the tenant could pay the contract rent or fair-rent whichever was less.”

SRI T. C. NARAYANAN NAMBIAR :—“ But Mr. Sankaran Nambudripad has said it.”

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“ Just as the hon. Member differs in many respect with our conclusions, and with the Five-Year Plan, I would like to differ from Mr. Nambudripad in this respect. It is not fair, when after elaborate enquiry by the Kuttikrishna Menon Committee the share of the produce which that tenant has to pay as rent has already been reduced, to reduce it still further. Already the rent has been reduced. That is why after going deep into the problem we thought it would be better to delete the provision enabling the tenant to pay either the contract or fair-rent whichever is less. We cannot say that the tenant should be asked to pay the barest minimum, he chooses. That is not correct. Once the tenant has agreed to pay a certain rent to the landlord, he is bound by that agreement. He cannot all of a sudden be allowed to reduce the rent. I am sure that what we have done in this connection is the best that could be done under the circumstances. I am sure that with the modifications made by the Select Committee and with the modifications now proposed by the Hon. Chief Minister, this Bill when it finally emerges as a law would be surely welcomed by the people of Malabar. Let me say that I also, just like all other hon. Members,

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represent the people. I come from Malabar and I also represent the people of Malabar. However much hon. Member on the other side may champion the cause of peasantry, I know the peasants of Malabar would welcome this Bill. I have no doubt about it."

SRI V. GOPALAKRISHNAN :—" Let the Hon. Minister resign and contest the election on this issue."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I think it would be better for me not to talk about the challenge at the present time.

" Let me now come to the amendment proposed for section 51 of the principal Act. We have to remember that the 1951 Act came into operation only on the 15th of March 1952.

1-20
P.m.

" We have only brought this bill to remedy certain defects, palpable defects, and this is only an amending Act. After watching the progress of this new Bill, which, I am sure, will be passed into an Act, there will be time enough for us to see what modifications we have to resort to in respect of the specific questions about which we have discussed. Sri Narayana Kurup has remarked that the Rent Settlement Authority ought not to have been abolished. We were compelled to abolish the Rent Settlement Authority not because it was not scientific. It is very scientific to have a Rent Settlement Authority as contemplated by the 1951 Act. But in the working of this machinery we found that we had not sufficient personnel. We also found that at least six years would elapse before we could prepare the Record of Rights and before we could assess the fair rent in respect of all the items. It was also found that the whole operation will cost about 70 lakhs of rupees. People were also dissatisfied with this machinery and there was agitation to scrap that machinery. There was agitation in Malabar that compulsory fixation of rent would be unfair and would lead to clash between the landlords and the tenants. Considering all these things, we came to the conclusion that we could give the power to fix the fair rent in disputed cases to Revenue Divisional Officers or Tahsildars as the case may be. We do not want to give that power to the civil court because the tenants have been agitating that if they were to go to a civil court they would be compelled in each case to deposit Rs. 50 or Rs. 100 as the case may be. That was why we thought that it may be decided by a Rent Court which would be available to him and the matter could be speedily disposed of without any financial commitments to the tenant.

" Sir, at this juncture, I need only say that I am confident that this Bill, with these amendments, would satisfy a good section of the people of Malabar. I know that another section of the people may not be satisfied because there are a series of persons, at least five in number, enjoying the profits or proceeds from a single property. So, if by means of a legislation you help one, the other four, who depend upon the same property for their maintenance,

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will be affected and it is but natural that there will be some people who are dissatisfied with any kind of legislation. I hope that after the announcement of the Hon. the Chief Minister the Opposition will co-operate and see that this Bill is passed into law in this session itself. I know that the Praja Socialist Party has been co-operating and they desire that this legislation should be passed in this session itself. I am sure that Sri Narayanan Nambiar and his party are likewise anxious. Everyone in Malabar is anxious that this Bill should be passed into law and I am sure that every hon. Member will co-operate with us and see that this Bill is passed to-morrow itself, if possible. Thank you, Sir, for having given me an opportunity to explain the position."

MR. SPEAKER :—" The question is—

' That the Malabar Tenancy (Amendment) Bill, 1953, as amended by the Joint Select Committee be taken into consideration.' "

The motion was put and carried.

MR. SPEAKER :—" The House will now adjourn and meet again at 9 a.m. on Friday, 8th January 1954."

The House then adjourned.

III.—PAPERS LAID ON THE TABLE OF THE HOUSE.

a 1. *Report of the Special Officer for the Madras Shops and Establishments Act, 1947, with orders of Government thereon.*

a 2. *Balance Sheet of the Madras Industrial Investment Corporation, Limited, as on the 30th June 1953.*

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS